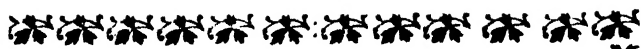


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REPORT
ON THE
SECOND GENERAL ELECTIONS
IN INDIA
1957

VOLUME I
(GENERAL)

ELECTION COMMISSION
INDIA

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PREFACE

The second general elections in India did not turn out to be so routine in nature as might have normally been expected. The numerous organisational and administrative difficulties in the way of holding elections on universal adult franchise in a country like India had been more or less satisfactorily resolved during the first general elections and it should normally have been enough for the success of the second general elections if the defects and shortcomings noticed during the first had been removed.

Serious problems were created on the eve of the elections, however, by the large-scale changes brought about in the political map of the country by the States Reorganisation Act, 1956. The solution of these at very short notice involved radical readjustments in the administrative machinery and an extensive revision of the constituencies in many of the States. Fortunately, it was found feasible to finish all the preliminaries just in time for the poll for the general elections to be held in February and March, 1957, which is the ideal season for the purpose except for a few snow-bound areas high up in the hills.

As in the Report on the First General Elections, I have taken this opportunity to review the working of the election law and procedure and to make comments and suggestions with a view to improve the same further.

I wish this Report could have been brought out at least six months earlier. The machinery in the States for collecting the basic data has worked more promptly on this occasion as compared to the last but it will have to be tightened up further in the future if such Reports are to be made available before public interest has flagged due to lapse of time.

I acknowledge with gratitude the help that I received in preparing this report from the Deputy Election Commissioners, Shri P. S. Subramanian, Dr. B. K. Bhattacharyya and Shri P. K. Shunglu and the members of the Commission's staff who worked hard in collating the vast material and in getting the Report ready for the Press. Amongst the latter, special mention is deserved by Shri A. N. Sen, now Under Secretary of the Commission.

New Delhi,

the 15th August, 1958.

SUKUMAR SEN

Chief Election Commissioner.
(on leave)

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CHAPTER I

INTRODUCTORY

The second general elections which were due in 1957 for reconstituting the House of the People and the State Legislative Assemblies were duly completed before the end of March, 1957, except for the Union territory of Himachal Pradesh and part of the Kangra District of Punjab. In the latter areas it was physically impossible to take the poll along with the rest of the country as parts of the constituencies in these areas were still snow-bound. The poll had accordingly to be adjourned in these areas until such time as the snow melted sufficiently for the poll to be taken.

The second general elections were less of an adventure or novelty as compared to the first when even the most optimistic people had felt doubtful as to how far a large country which had only just attained its independence and had yet to settle down to a democratic form of government could successfully carry through a country-wide programme of democratic elections based on adult suffrage. The task was complicated enormously by a large percentage of the teeming millions of the population being still lamentably backward in literacy and by the complete lack of any previous experience of elections in many areas which formerly formed part of "princely" India. The unqualified success of the first general elections and the satisfaction they gave to the country at large in general and the political parties in opposition in particular were a pleasant surprise and the adventure was acknowledged at home and abroad as a remarkable act of faith nobly conceived and efficiently implemented. Between 1952 and 1957 a large number of bye-elections as also three other general elections to State Legislative Assemblies were successfully held, namely, in PEPSU, Travancore-Cochin and Andhra. It was confidently expected, therefore, that the second general elections of 1957 would also pass off smoothly and efficiently. An element of grave uncertainty was, however, introduced by the considerable redrawing of the political map of India as a consequence of the highly controversial reorganisation of the States in 1956, only a few months before the general elections were due; and at one stage, it became rather doubtful whether it would be physically possible to rush through the necessary legal and administrative measures to enable the elections to be held in due time. Influential sections of public opinion were more or less convinced that it was an impossible

task and that the elections would have to be postponed by a year or so and the life of the legislatures extended accordingly by an amendment of the Constitution.

The Election Commission set its face strongly against any proposals for the postponement of the general elections and decided to hold them duly in case it was humanly possible to do so. The Commission considered that it would be setting up a very bad precedent indeed if, merely because of certain temporary though formidable difficulties, the country was forced to amend its Constitution and extend the terms of the very first legislative bodies that had been set up under it. The Commission's efforts to turn public opinion in support of its view eventually succeeded and the Government and Parliament took all necessary steps to expedite the legal and administrative measures which made it possible to hold the elections in due time. Strenuous and all-out efforts were called for on the part of the entire election machinery at the Centre and in the States, however, and it is gratifying to record that every one concerned spared no efforts to achieve the seemingly impossible task.

The election law and the machinery had been stream-lined during the intervening years in the light of experience so far gained so that the shortcomings noticed in the first general elections could be avoided. A remarkable improvement which was effected was that the entire period of the poll was reduced to just over a fortnight which compares very well indeed with 17 weeks required for the poll in the general elections of 1951-52. The declaration of election results was also considerably expedited. Public confidence in the election machinery had also grown enormously in the intervening years between the two general elections and this was one of the most important factors which materially contributed to the smoothness and peaceful nature of the second general elections.

The system of democratic elections based on adult suffrage that has been evolved and developed in the country has proved a complete success and it has indeed proved to be a model which has been largely adopted in many other countries which in spite of their backwardness in literacy have decided to extend the franchise in a liberal measure to their citizens.

With the rapid increase in the percentage of literacy and in the light of further experience to be gained in the coming years, it is inevitable that further improvements and changes would be effected in the future in the system of elections in this country until the very highest standards of democratic elections have been achieved.

CHAPTER II

LEGAL FRAME WORK—AMENDMENTS OF ELECTION LAW

Elections to the Legislatures are required to be held under the superintendence, direction and control of the Election Commission in accordance with the provisions of the Constitution and the two Acts of Parliament, namely, the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

The provisions of the Representation of the People Acts were extensively amended from time to time in the light of the experience gained during and after the general elections of 1951-52.

Sub-clause (b) of clause (1) of article 81 of the Constitution, as originally enacted, laid down that there shall not be less than one member of the House of the People for every 7,50,000 of the population while sub-clause (a) of clause (1) of article 81 of the Constitution has fixed 500 as the maximum number of elected members of the House. In view of the steadily growing population of the country, it soon became apparent that it would prove extremely difficult, if not physically impossible, in the near future to delimit the Parliamentary constituencies without violating the scale of representation prescribed by the Constitution. It was accordingly decided that the Delimitation Commission should be given a reasonable degree of latitude in delimiting the constituencies so that it might not be forced to split up small administrative units in carving out the constituencies. The Constitution was amended in 1953 and the restriction that the population of a Parliamentary constituency returning one member shall not exceed 7,50,000 was removed. [Constitution (Second Amendment) Act, 1952].

Amendments to
the Constitution.

Article 170 of the Constitution originally provided that the minimum population for a seat in a Legislative Assembly shall not be less than 75,000. In some States where every Parliamentary seat comprised 9 Assembly seats, this minimum created serious practical difficulties in actual delimitation and often necessitated the splitting up of even the smallest administrative unit. This difficulty was accordingly removed by amending article 170 of the Constitution. The amendment deleted the provision which laid down the above minimum. That article, as now amended, merely requires that the ratio between the population of each Assembly constituency and the number of seats allotted to it shall so far as practicable be the same throughout the State. [Constitution (Seventh Amendment) Act, 1956].

Clause (1) of article 171 of the Constitution laid down that the number of members in the Legislative Council of a State having such a Council shall not exceed one-fourth of the number of the members of the Legislative Assembly of that State. It was felt that the number of seats in the Legislative Councils was disproportionately too small in comparison with the number of members of the Legislative Assemblies. The Constitution has accordingly been amended providing that the number of members of the Legislative Council of a State shall not exceed one-third of the number of members of the Legislative Assembly of the State. [Constitution (Seventh Amendment) Act, 1956].

Amendments to
the Representation
of the People
Act, 1950.

One of the important amendments made to the Representation of the People Act, 1950, introduced a change in the scheme of preparation of the electoral rolls which was adopted by parts III and IV of the Act as originally enacted in 1950. The provisions of the original Act required that electoral rolls shall be separately prepared for Parliamentary and Assembly constituencies. This inevitably resulted in a good deal of duplication of work in view of the fact that the qualifications for the enrolment of a person in either roll were basically the same. The amended Act does away with this requirement and provides that the electoral roll for an Assembly constituency shall be the basic roll and that the electoral roll for a Parliamentary constituency need not be separately prepared or revised but shall be deemed in law to consist of the electoral rolls of the Assembly constituencies which are comprised within the Parliamentary constituency. It is, therefore, no longer necessary to appoint an Electoral Registration Officer for a Parliamentary constituency. Parliamentary constituencies in the Union territories are an exception to this general rule inasmuch as there are no legislative assemblies in these territories and consequently no Assembly constituencies. The basic electoral roll in a Union territory is, therefore, the electoral roll for a Parliamentary constituency which is prepared by the Electoral Registration Officer of the Constituency, while the electoral roll for every Territorial Council Constituency comprised within a Parliamentary constituency is deemed in law to be the appropriate part of the electoral roll of that Parliamentary constituency.

The office of the Chief Electoral Officer of a State was found in practice to be a vital link in the electoral machinery. It had been originally given a merely oblique or indirect statutory recognition by being referred to only in the Rules framed under the Act. By the time the first general elections were held in 1951-52, the office of the Chief Electoral Officer had come to attain a good deal of importance and effectiveness however, and it was felt that this officer who had come to be the king-pin,

so to say, of the State electoral machinery must be given a suitable legal status and that his duties and responsibilities should be laid down by the law itself. By an amendment of the Act, this officer has now been given direct statutory recognition. He is required to be appointed by the Election Commission in consultation with the State Government. The amended Act requires the Chief Electoral Officer to supervise the preparation and revision of electoral rolls within the State subject to the superintendence, direction and control of the Election Commission.

The original Act laid down that an Indian citizen would be eligible for registration as an elector in a constituency if he (1) had been ordinarily resident in the constituency for not less than 180 days during the preceding calendar year and (2) was not less than 21 years of age on the 1st March of the year of the preparation or revision of the roll. In practice, it was found impracticable to have a thorough enquiry made on the first point in every case. On the other hand, experience showed that a person was almost invariably enrolled as an elector if he had been ordinarily resident in the constituency at the time of the revision of the electoral rolls, whatever the period of his residence. The further requirement that such residence should be for a minimum period of 180 days during the preceding calendar year failed very often to be enquired into or given effect to in actual practice. The law as now amended has done away with the provision laying down a minimum period of residence. There is, therefore, at present no minimum qualifying period in respect of an elector's residence in the constituency.

Section 23 of the Act, as originally enacted, required that the electoral roll for each constituency shall be prepared every year with reference to the 1st March of that year. In view of the enormous volume of work involved and the heavy expenditure incurred in the *de novo* preparation of the electoral rolls every year, the Commission felt that the necessity for such *de novo* preparation of the rolls every year in respect of every constituency could with advantage be dispensed with. The Act, as now amended, gives effect to this. Under the amended law, the electoral roll for a constituency is required to be "prepared" only once when the constituency has been first delimited; in subsequent years, the roll is only required to be "revised".

There was no specific provision in the original Act authorising the inclusion of the name of an eligible person in an electoral roll once the roll had been finally published. A provision enabling such inclusion was, however, made in the Rules framed under the Act. Legally, this was an unsatisfactory position inasmuch as there was some scope for doubt as to whether such

a provision made in the Rules was *intra vires* of the Act. A specific provision was accordingly incorporated in the Act itself to provide for such inclusions. The power to make such inclusion has been given by the amended Act to the Electoral Registration Officer of the constituency unless an election is pending in the constituency in which case the Chief Electoral Officer of the State has been given the power to include any name in the electoral roll. A right of appeal has also been given to an unsuccessful applicant for inclusion. Such an appeal lies to the Chief Electoral Officer where the order has been passed by the Electoral Registration Officer and to the Election Commission where the order has been passed by the Chief Electoral Officer.

Under the Act as originally enacted, the electoral roll for a local authorities' constituency of a Legislative Council was required to be prepared with reference to a qualifying date which was the 1st April of the year. This provision gave rise to a serious anomaly inasmuch as the names of persons who had ceased to be members of local authorities after the last revision of the electoral roll of such a constituency remained on the electoral roll and such persons were entitled to vote at a bye-election or biennial election while persons who had become members of the local authorities after the last revision of the roll were not entitled to vote at such election. The anomaly has now been removed by providing that the electoral roll for a local authorities' constituency shall consist of the names of the members of the local authorities within the constituency and that the Electoral Registration Officer for the constituency shall always maintain the electoral roll corrected up-to-date. A routine annual revision of such an electoral roll is, therefore, no longer necessary.

The qualifying date for the graduates' and the teachers' constituencies of the Legislative Councils has been altered from the 1st April to the 1st January of the year in which the roll is prepared or revised.

Amendments to
the Representation
of the
People Act, 1951.

According to the original Act, no step for the purpose of constituting a new House of the People or a new Legislative Assembly on the expiration of the duration of the existing House could be taken earlier than four months prior to the date of such expiration. The House of the People and some of the Legislative Assemblies met for the first time in May or even in June of 1952. No step could accordingly be taken for holding a general election to these Houses before January or February, 1957. It was desirable, however, from climatic and administrative considerations to hold simultaneous poll all over the country for the second general elections sometime between January and March, 1957. This would not have been possible according to the provisions of the Act as originally enacted. The law was

accordingly amended so as to permit steps for a general election to the House of the People or an Assembly to be taken upto six months prior to the date of expiration of the duration of the House concerned.

An important amendment made in the Representation of the People Act, 1951, reduced the minimum statutory period for completing an election. The minimum period between the last date for the withdrawal of candidatures and the commencement of the poll which was originally fixed as 30 days has been now reduced to 20 days.

The provision which required that every nomination paper should be signed by a seconder in addition to a proposer has been deleted and it is no longer necessary for a candidate to have a seconder.

The law originally required a candidate to make a compulsory declaration in the nomination paper by which he was to appoint his election agent. It was found during the first general elections that this provision sometimes gave rise to confusion and mistakes resulting in the rejection of many nomination papers for mere technical defects. The law has accordingly been amended and the appointment of an election agent has now been made independent of the nomination paper. In fact, it is no longer compulsory for a candidate to appoint an election agent at all. He is free to appoint one at any time he likes, if he so wishes. When a candidate appoints any election agent, however, he must give formal notice of such appointment to the Returning Officer.

An innovation was made by including a provision in the Act which enables a contesting candidate to "retire" from contest by notifying his intention to do so to the Returning Officer at least 10 days before the commencement of the poll.

Another provision was included defining the date of election of a candidate to be the date on which he is declared by the Returning Officer to be elected to a House of Parliament or a Legislature of a State. Originally this date was the date on which the result of the election was notified in the official gazette. As this latter date was sometimes not readily ascertainable by the general public, doubts and difficulties were often experienced in this regard. These have now been removed by the amendment.

The provisions relating to the account of election expenses to be kept and lodged by candidates have been simplified. Originally, these provisions applied to every election. After the amendment, they apply only to elections to the House of the People and Legislative Assemblies. Under the amended law all that a candidate is required to do is to keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between

the date of the publication of the notification calling the election and the date of the declaration of the result thereof, both days inclusive. Only contesting candidates are required to lodge a copy of such account before the Returning Officer within 30 days from the date of the election of the returned candidate. Candidates whose nomination papers were rejected or who withdrew their candidatures are no longer required to lodge their accounts of election expenses.

The provisions relating to election petitions have also been materially revised. The Election Commission was originally empowered to condone for sufficient reasons any delay in filing an election petition. This power has been withdrawn by the amendment and the Commission cannot but dismiss an election petition if it is presented beyond the period of limitation or if necessary parties to the petition have not been impleaded or, again, if the security deposit has not been made duly. All the preliminary steps to be taken in connection with an election petition for making it ready for trial are now required to be taken by the Commission and not by the election tribunal after its constitution.

Under the original Act, an election tribunal was to consist of three members, namely, two District Judges (serving or retired), (or one such judge and a retired judge of a High Court) and one Advocate. This provision has been drastically amended. An election tribunal under the amended Act consists of only one Judge who is ordinarily a serving District Judge. In a suitable case, where the Election Commission considers it expedient so to do, it can appoint a retired Judge of a High Court as the election tribunal.

The amended law also provides for an appeal to the High Court against the decision of an election tribunal. Previously there was no such right of appeal.

The Commission has also been given power to transfer an election petition from one election tribunal to another in order to ensure its expeditious disposal or for any other sufficient reason.

A new provision has been included under which it is now permissible to challenge the election of a returned candidate on the ground that under the Constitution or the Act, he was not qualified or was disqualified on the date of his election to be chosen to fill the seat.

The provisions relating to the grounds for declaring an election void have been materially revised and there is now no provision under which the election can be declared void as a whole. Under the amended law, the election of the returned candidate only can be declared void.

According to the original Act, the order of an election tribunal took effect only on the date it was published in the official Gazette. Under the amended law it takes effect as soon as it is pronounced by the tribunal. This, however, is subject to the result of an appeal to the High Court which may be filed within 30 days from the date of the order.

Besides corrupt practices, the original Act defined some acts as being "illegal practices". Under the amended Act, the provisions relating to such illegal practices have been deleted. The classification of corrupt practices as "major" and "minor" has also been abolished. Impersonation at an election and removal by electors of ballot papers from polling stations during poll are no longer included in the list of corrupt practices. They remain electoral offences, however.

The law, as now amended, gives power to the Election Commission to remove any disqualification for membership of a House of Legislature.

Failure to lodge the return of election expenses within the time and in the manner required by law no longer entails a disqualification for voting as was the case under the original Act.

The Rules under both the Representation of the People Acts were amended and revised extensively so as to bring them in conformity with the revised Acts, to simplify the procedure and to remove anomalies. Amendments to the Rules.

An important change introduced in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, was the insertion of a provision to safeguard against personation. Under this provision, every elector of a polling station specified for the purpose by the Election Commission in the official gazette is required to affix his signature or thumb impression on the identity slip. All polling stations in the larger towns and cities were invariably notified for the purpose by the Election Commission.

Another important amendment that was made is the extension of the privilege of voting by postal ballot to every public servant who by reason of his being on duty in connection with the elections is unable to vote at the polling station where he is entitled to vote.

The form of the postal ballot paper was also revised so as to remove more effectively any suspicion that the secrecy of the vote is liable to be violated by reference to the serial number on such ballot paper. Many other forms, particularly the nomination paper form, have also been considerably simplified.

Yet another important amendment that has been made in the Rules since the second general elections is the one relating to the introduction of the "marking" system of voting at elections. Under this system each candidate is, as before, allotted a symbol but that symbol is no longer pasted on a separate ballot box allotted to him at every polling station. Instead, it is printed on a ballot paper which contains in respect of all the candidates their serial numbers, names, party affiliations and the symbols respectively allotted to them.

CHAPTER III

RE-ORGANISATION OF STATES

When the first general elections were held in 1951-52, there were 27 States in all, namely, 9 Part A States, 8 Part B States and 10 Part C States. In 1953, a new Part A State Andhra was carved out of the then existing State of Madras. This was done in pursuance of the principle of the re-distribution of territories mainly on a linguistic basis. In December, 1953, the Government of India appointed a Commission to enquire into the demand for the re-organisation of the component units of the Indian Union on a more rational basis after taking into account not only the growing importance of the regional languages but also financial, economic and administrative considerations. This Commission submitted its report in September, 1955. The question was thereafter fully considered by all the interests concerned. Finally, Parliament enacted the States Re-organisation Act, 1956. One of the main features of the re-organisation effected by the Act was the abolition of the then existing constitutional distinction between the different categories of States, namely, the Part A, Part B and Part C States and the substitution thereof by two categories of the component units of the Union which were called "States" and "Union territories". According to the Act, as further modified by the Constitution (Seventh Amendment) Act, the Indian Union has been divided into 14 States and 6 Union territories.

The States are :—

1. Andhra Pradesh,
2. Assam,
3. Bihar,
4. Bombay,
5. Kerala,
6. Madhya Pradesh,
7. Madras,
8. Mysore,
9. Orissa,
10. Punjab,
11. Rajasthan,
12. Uttar Pradesh,
13. West Bengal and
14. Jammu and Kashmir.

The Union Territories are :—

1. Delhi,
2. Himachal Pradesh,
3. Manipur,
4. Tripura,
5. The Andaman and Nicobar Islands and
6. The Laccadive, Minicoy and Amindivi Islands.

The boundaries of many of the previously existing States were largely re-drawn while some others ceased to exist, their territories having been transferred to one or more of the new States which were brought into being.

Every Union territory is now administered directly by the President acting to such extent as he thinks fit through an Administrator appointed by him. These territories have, therefore, no separate Legislatures.

The representation of the various units in both Houses of Parliament had to be extensively revised. As a result of the re-organisation of the States, the composition of the State Legislatures also had to be materially revised. A large-scale revision of the constituencies of the House of the People and the State Legislatures had to be undertaken as a consequence and a Delimitation Commission had to be set up for the purpose. In order that the second general elections might be held in due time, the Delimitation Commission had to complete its task according to a very tight programme. It was only after the constituencies had been delimited and the electoral rolls republished in terms of the new constituencies that the constituencies could be called upon to elect members in the second general elections.

CHAPTER IV

COMPOSITION OF THE LEGISLATIVE BODIES

The two Houses of the Union Parliament are known respectively as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha).

The Council of States as first constituted in 1952 consisted of 216 members, 12 of whom were nominated by the President in accordance with article 80(3) of the Constitution being persons with special knowledge or practical experience in respect of such matters as literature, science, art and social service. The remaining 204 members were elected to represent the States. These seats were distributed among the various States by the Fourth Schedule to the Constitution. Madras as then constituted was allotted 27 seats. The Fourth Schedule to the Constitution was, however, amended in 1953 by the Andhra State Act, 1953. According to this amendment, the State of Andhra which was carved out of the State of Madras by that Act was allotted 12 seats in the Council of States while residuary Madras was allotted 18 seats. As a result, the total number of elective seats allotted to the States was increased from 204 to 207, the total number of seats in the House being raised to 219.

The number of elective seats in the Council of States allotted to the States and the Union Territories was further increased first to 208 by the States Re-organisation Act, 1956, and then to 211 by the Bihar and West Bengal (Transfer of Territories) Act, 1956, and finally to 220 by the Constitution (Seventh Amendment) Act, 1956. The total number of members in the Council of States has thus become 232. The elective seats have been distributed among the various States and the Union Territories as follows :—

TABLE

1. Andhra Pradesh	..	..	18
2. Assam	..	..	7
3. Bihar	..	..	22
4. Bombay	..	..	27
5. Kerala	..	..	9
6. Madhya Pradesh	..	..	16
7. Madras	..	..	17
8. Mysore	..	..	12
9. Orissa	..	..	10

10. Punjab	..	..	11
11. Rajasthan	..	..	10
12. Uttar Pradesh	..	..	34
13. West Bengal	..	..	16
14. Jammu and Kashmir	..	..	4
15. Delhi	..	..	3
16. Himachal Pradesh	..	..	2
17. Manipur	..	..	1
18. Tripura	..	..	1
Total			220

The representatives of each State, including the State of Jammu and Kashmir, are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

The representatives of each Union territory in the Council of States are elected by an electoral college constituted for the purpose. The members of the electoral college are directly elected on adult franchise. The electoral college for the Union Territory of Delhi consists of the Councillors of the Delhi Municipal Corporation and ten other persons to represent the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board. These ten persons are chosen by direct election on the basis of adult franchise. The electoral college for each of the other three Union territories of Himachal Pradesh, Manipur and Tripura consists of the elected members of the territorial council constituted for the territory under the Territorial Councils Act, 1956.

The Council of States is not subject to dissolution, but as nearly as possible one-third of its members are required to retire on the expiration of every second year in accordance with the provisions of Section 154 of the Representation of the People Act, 1951. The term of office of members begins from the date on which the names of the members are notified by the Government of India in the Gazette of India.

House of the
People.

The House of the People constituted in 1952 consisted of 499 members of whom 489 were directly elected from territorial constituencies. The remaining ten seats—namely, six seats allotted to the State of Jammu and Kashmir, one to the Andaman and Nicobar Islands, one to Part B tribal areas and two to represent the Anglo-Indian community—were filled by members nominated by the President. In actual practice, however, the

six members from the State of Jammu and Kashmir were first elected by the Legislative Assembly of the State and then formally nominated by the President in consultation with the Government of that State.

Article 82 of the Constitution provides that constituencies should be delimited afresh after the population figures according to every census have been finally published. A Delimitation Commission was accordingly constituted under the Delimitation Commission Act, 1952, after the population figures of the 1951 census were available. By Final Order No. 1 made by the Delimitation Commission, the number of directly elected seats in the House of the People was increased from 489 to 493. No elections were, however, held on the basis of this Order inasmuch as fundamental and far-reaching changes in the number and geographical extent of the States took place as a result of the reorganisation of the States under the States Reorganisation Act, 1956, before the second general elections to the House of the People fell due. The number of elected seats to be allotted to each reorganised State was fixed by that Act, the total number of the elective seats being increased still further to 500. These were distributed among the various States and the Union Territories by the Third Schedule to the Act in the following manner :—

1. Andhra Pradesh	..	..	43
2. Assam	..	..	12
3. Bihar	..	..	55
4. Bombay	..	..	66
5. Kerala	..	..	18
6. Madhya Pradesh	..	..	36
7. Madras	..	..	41
8. Mysore	..	..	26
9. Orissa	..	..	20
10. Punjab	..	..	22
11. Rajasthan	..	..	22
12. Uttar Pradesh	..	..	86
13. West Bengal	..	..	34
14. Jammu and Kashmir	..	..	6
15. Delhi	..	..	5
16. Himachal Pradesh	..	..	4
17. Manipur	..	..	2
18. Tripura	..	..	2
Total			500

The Bihar and West Bengal (Transfer of Territories) Act, 1956, which soon followed reduced the number of seats allotted to Bihar from 55 to 53 and increased the number of seats allotted to West Bengal from 34 to 36, the total for the House of the People remaining at 500.

The President has nominated to the House of the People 6 members, two under article 331 of the Constitution to represent the Anglo-Indian community and four under sub-section (1) of section 4 of the Representation of the People Act, 1950, as amended from time to time, to represent areas which do not directly elect any members to the House of the People. These areas are (a) the Andaman and Nicobar Islands, (b) the Laccadive, Minicoy and Amindivi Islands, (c) the North-East Frontier Tract and (d) the Naga Hills—Tuensang Area and one member has been nominated to represent each of these areas.

Legislative
Councils.

The Constitution originally provided that in the States of Bihar, Bombay, Madras, Punjab, Uttar Pradesh, West Bengal and Mysore, the Legislature of each State shall consist of two Houses, namely, a Legislative Council and a Legislative Assembly, while in every other State there would be only one House, namely, a Legislative Assembly.

It was also provided by the Constitution that the number of members in the Legislative Council of a State shall not be less than 40 nor shall exceed one-fourth of the total number of members in the Legislative Assembly of the State.

Until Parliament otherwise provided by law, the composition of the Legislative Councils was determined by the provisions of article 171 of the Constitution. Under section 10 of the Representation of the People Act, 1950, the number of seats in the various Legislative Councils was fixed by Parliament as follows :—

Name of the State	Total No. of seats	No. to be elec- ted by local authori- ties	No. to be elec- ted by gradua- tes	No. to be elec- ted by teachers	No. to be elec- ted by members of Legisla- tive Assembly	No. to be nomi- nated by Govern- or
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Bihar	72	24	6	6	24	12
2. Bombay	72	24	6	6	24	12
3. Madhya Pradesh ..	72	24	6	6	24	12
4. Madras	72	24	6	6	24	12
5. Uttar Pradesh ..	72	24	6	6	24	12
6. Mysore	52	18	4	4	18	8
7. Punjab	40	13	3	3	13	8
8. West Bengal	51	17	4	4	17	9

The new State of Andhra was constituted under the Andhra State Act which provided that the State would have no Legislative Council. Andhra was carved completely out of the State of Madras which considerably shrank in area as a result. The strength of the Madras Legislative Council was accordingly reduced by the Act as follows :—

Total No. of seats	No. to be elected by local authori- ties	No. to be elected by gra- duates	No. to be elec- ted by tea- chers	No. to be elected by members of Legis- lative Assembly	No. to be nomi- nated by Govern- or
51	14	6	4	18	9

During the period 1st October, 1953, to the 21st day of April, 1954, however, the number of members to be filled by graduates and the number of members to be filled by nomination by Governor were respectively 4 and 11.

The States Reorganisation Act, 1956, provides that as and from such date as the President may by order appoint, there shall be a Legislative Council for the new State of Madhya Pradesh and that the existing Legislative Councils of Bombay, Mysore and Punjab shall be reconstituted. That Act fixed the number of members of each Legislative Council and their distribution as follows :—

Name of the State	Total No. of seats	No. to be elec- ted by local authori- ties	No. to be elec- ted by gradua- tes	No. to be elec- ted by teachers	No. to be elected by mem- bers of the Legis- lative Assembly	No. to be nomi- nated by Govern- or
Bombay ..	72	24	6	6	24	12
Madhya Pradesh	72	24	6	6	24	12
Mysore ..	52	18	4	4	18	8
Punjab ..	40	13	3	3	13	8

That Act as amended by the States Reorganisation (Amendment) Act, 1956 (67 of 1956), fixed the strength of the Madras Legislative Council as follows :—

Total No. of seats	No. to be elected by local authori- ties	No. to be elec- ted by gradua- tes	No. to be elec- ted by teachers	No. to be elected by members of the Legis- lative Assem- bly	No. to be nomi- nated by Govern- or
50	16	6	4	16	8

Pending the reconstitution of the Legislative Councils of Bombay, Mysore and Punjab, the Reorganisation of States Act provided that during the interim period :—

- (1) (a) the Bombay Legislative Council shall consist of all the sitting members of the Legislative Council of the then existing State of Bombay, except those representing the Belgaum (Local Authorities), Bijapur (Local Authorities) and Dharwar (Local Authorities) constituencies; and
 - (b) 25 members to represent the territories added to the State from Madhya Pradesh, Hyderabad, Saurashtra and Kutch.
- (2) (a) The Legislative Council of Mysore shall consist of all the sitting members of the Legislative Council of the then existing State of Mysore; and
 - (b) 12 members to represent the territories transferred to Mysore from Madras, Hyderabad, Bombay and Coorg.
- (3) (a) The Legislative Council of Punjab shall consist of all the sitting members of the Legislative Council of the then existing State of Punjab; and
 - (b) six persons to represent the then existing State of Patiala and East Punjab States Union merged with Punjab.

The Bihar and West Bengal (Transfer of Territories) Act did not make any change in the composition of the Legislative Councils of Bihar and West Bengal.

It was felt that in some cases, the strength of the Legislative Council was disproportionately too small compared with the strength of the Legislative Assembly of the State. Accordingly, the Constitution (Seventh Amendment) Act, 1956, amended clause (1) of article 171 of the Constitution and provided that the number of members of the Legislative Council of a State shall not exceed one-third of the strength of the Legislative Assembly of the State instead of one-fourth as had been provided originally.

Having regard to this amendment and to the resolutions passed by the Legislative Assemblies of Andhra Pradesh, Bombay and other States, the Legislative Councils Act, 1957, was enacted by Parliament. This established a Legislative Council for

Andhra Pradesh and also increased the number of members in each of the existing Legislative Councils. The strength of the various Legislative Councils as fixed by this Act is as follows :—

Name of the State	Total No. of seats	No. to be elected by local authorities	No. to be elected by graduates	No. to be elected by teachers	No. to be elected by members of Legislative Assembly	No. to be nominated by Governor
1. Andhra Pradesh	90	31	8	8	31	12
2. Bihar ..	96	34	8	8	34	12
3. Bombay ..	108	39	9	9	39	12
4. Madhya Pradesh	90	31	8	8	31	12
5. Madras	63	21	6	6	21	9
6. Mysore ..	63	21	6	6	21	9
7. Punjab ..	51	17	4	4	18	8
8. Uttar Pradesh	108	39	9	9	39	12
9. West Bengal	75	27	6	6	27	9

The Act has further provided that while the number of members of the Legislative Councils of Bombay, Mysore and Punjab is to be increased, they are not to be reconstituted as required by the States Reorganisation Act, 1956.

Elections to a Legislative Council are held according to the system of proportional representation by means of the single transferable vote.

As in the case of the Council of States, no Legislative Council is subject to dissolution but as nearly as possible one-third of the members retire on the expiration of every second year in accordance with the provisions of section 156 of the Representation of the People Act, 1951.

During the general elections in 1951-52, elections for constituting Legislative Assemblies were held in all Part A and Part B States (except Jammu and Kashmir) and in the Part C States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh. The Jammu and Kashmir Constituent Assembly functioned as the Legislative Assembly of that State. It was, however, not constituted under the Constitution of India and elections thereto were held in accordance with a proclamation of the then Maharaja of Kashmir.

The number of seats in the Legislative Assemblies constituted in 1951-52 was as follows :—

<i>Name of the State</i>	<i>Total No. of seats</i>
<i>Part 'A' States</i>	
1. Assam	108
2. Bihar	330
3. Bombay	315

4. Madhya Pradesh	..	..	232
5. Madras	..	..	375
6. Orissa	..	..	140
7. Punjab	..	..	126
8. Uttar Pradesh	..	..	430
9. West Bengal	..	..	238
<i>Part 'B' States</i>			
10. Hyderabad	..	..	175
11. Madhya Bharat	..	..	99
12. Mysore	..	..	99
13. Patiala and East Punjab States Union	..	..	60
14. Rajasthan	..	..	160
15. Saurashtra	..	..	60
16. Travancore-Cochin	..	..	108
<i>Part 'C' States</i>			
17. Ajmer	..	..	30
18. Bhopal	..	..	30
19. Coorg	..	..	24
20. Delhi	..	..	48
21. Himachal Pradesh	..	..	36
22. Vindhya Pradesh	..	..	60
Total			3,283

When the State of Andhra was formed, its Legislative Assembly was allotted 140 seats and the number of seats in the Madras Legislative Assembly was reduced from 375 to 230 while the number of seats in the Legislative Assembly of Mysore was increased from 99 to 104. [*The Andhra State Act, 1953, (30 of 1953)*].

When Chandernagore was merged with West Bengal, the number of seats in the Legislative Assembly of West Bengal was increased from 238 to 239. [*The Chandernagore Merger Act, 1954, (36 of 1954)*].

When Bilaspur was merged with Himachal Pradesh in 1954, the number of seats in the Legislative Assembly of Himachal Pradesh was increased from 36 to 41. [*The Himachal Pradesh and Bilaspur (New State) Act, 1954, (32 of 1954)*].

The Delimitation Commission set up under the Delimitation Commission Act, 1952, for adjusting the representation of the territorial constituencies in the Legislative Assembly of each State on the basis of the latest census figures determined the strength of the Legislative Assembly of each of the States as follows :—

<i>Name of the State</i>		<i>Total number of seats</i>
<i>Part 'A' States</i>		
1. Andhra	.. ..	196
2. Assam	.. ..	108
3. Bihar	.. ..	330
4. Bombay	.. ..	294
5. Madhya Pradesh	.. ..	232
6. Madras	.. ..	245
7. Orissa	.. ..	140
8. Punjab	.. ..	119
9. Uttar Pradesh	.. ..	430
10. West Bengal	.. ..	238
<i>Part 'B' States</i>		
1. Hyderabad	.. ..	175
2. Madhya Bharat	.. ..	99
3. Mysore	.. ..	117
4. Patiala and East Punjab States Union	.. ..	60
5. Rajasthan	.. ..	168
6. Saurashtra	.. ..	60
7. Travancore-Cochin	.. ..	117

The position of the Part C States, however, was different, in that the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh, each of which had a Legislative Assembly of its own, had the strength of their assemblies fixed under the provisions of sub-section (2) of Section 3 of the Government of Part C States Act, 1951, as follows :—

<i>Name of the State</i>		<i>Total number of seats</i>
Ajmer	.. ..	30
Bhopal	.. ..	30
Coorg	.. ..	24
Delhi	.. ..	48
Himachal Pradesh	.. ..	36
Vindhya Pradesh	.. ..	60

The other Part C States, namely, Kutch, Manipur, Tripura and Bilaspur had no Legislative Assemblies at all.

When the States were reorganised, the number of seats assigned to the Legislative Assembly of each Part A and Part B State other than the State of Jammu and Kashmir was laid down in the Third Schedule to the States Reorganisation Act, 1956. Part C States were either merged in the neighbouring States or were formed into Union territories. It was provided that every Union territory except Delhi would have a Territorial Council. The strength of the Legislative Assemblies was fixed by the Third Schedule to the Act as follows :—

<i>Name of the State</i>			<i>Total number of seats</i>
1. Andhra Pradesh	..	..	301
2. Assam	..	..	108
3. Bihar	..	..	330
4. Bombay	..	..	396
5. Kerala	..	..	126
6. Madhya Pradesh	..	..	288
7. Madras	..	..	205
8. Mysore	..	..	208
9. Orissa	..	..	140
10. Punjab	..	..	154
11. Rajasthan	..	..	176
12. Uttar Pradesh	..	..	430
13. West Bengal	..	..	238

The number of seats allotted to Bihar was reduced from 330 to 318 and the number of seats allotted to West Bengal was increased from 238 to 252 under the Bihar and West Bengal (Transfer of Territories) Act, 1956.

For the interim period between the passing of the States Reorganisation Act and the general elections of 1957, the composition and the strength of the different assemblies affected by reorganisation were suitably adjusted and modified on an *ad hoc* basis under the Act without involving any election.

The members of every Legislative Assembly were chosen by direct election from territorial constituencies. In addition, under article 333 of the Constitution, the Governors of the following States nominated to the respective Legislative Assemblies a few members to represent the Anglo-Indian Community:—

<i>Name of the State</i>			<i>No. of members nominated</i>
Bihar	..	..	1
Bombay	..	..	2
Kerala	..	..	1

Madhya Pradesh	..	..	1
Madras ..	..	..	1
Mysore ..	..	..	1
Uttar Pradesh	..	..	1
West Bengal	..	..	4

After the second general elections a new administrative unit in the State of Assam by the name of Naga Hills-Tuensang Area was created. This comprises of the tribal areas which were known as the Naga Hills District of Assam and the Tuensang Frontier Division of the North East Frontier Agency. This unit does not elect any member to the Assam Legislative Assembly. As a result of the transfer of the Naga Hills District to this unit, the number of seats assigned to the Legislative Assembly of Assam has been reduced from 108 to 105.

CHAPTER V

ELECTORAL MACHINERY

Election Commission. **Com-** The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of all elections to Parliament and to the Legislature of every State, and of elections to the offices of the President and the Vice-President, including the appointment of Election Tribunals, is by virtue of article 324 of the Constitution vested in the Election Commission.

Chief Election Commissioner. The Constitution lays down that the Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may, from time to time, fix. Hitherto, it has not been found necessary to appoint any Election Commissioner to assist the Chief Election Commissioner.

It is the duty of the Commission to see that the electoral rolls are kept up-to-date at all times. It is also required to superintend all general elections as well as elections to fill casual vacancies in Parliament and the Legislatures of the States. Further, under articles 103 and 192 of the Constitution, the opinion of the Commission has to be obtained by the President or the Governor before he decides any question raised as to whether a Member of Parliament or a Member of the Legislature of a State, as the case may be, has become subject to any of the disqualifications mentioned in article 102 or, as the case may be, article 191 of the Constitution.

Deputy Election Commissioner. During the general elections in 1951-52 two Regional Commissioners were temporarily appointed by the President to assist the Election Commission. They had their headquarters at Bombay and Patna respectively.

In connection with the second general elections, 1957, three Deputy Election Commissioners were temporarily appointed. They had their headquarters in Delhi. No Regional Commissioner was appointed for the second general elections. The post of one Deputy Election Commissioner out of the three originally appointed had to be continued till the publication of this Report and in the Commission's opinion will have to be continued on a permanent basis.

The Deputy Election Commissioners were deputed by the Commission to tour the States in order to check and expedite the preparations made for the elections and also to inspect outlying election offices. During their tours they visited the headquarters of the Chief Electoral Officers as also some of the districts. They looked into the working and efficiency of the election machinery

and physically verified the stock and the condition of election materials like ballot boxes, ballot papers, etc. They were also directed by the Commission to report on the progress made in the preparation of the lists of polling stations. The Deputy Election Commissioners made it a point to meet the Collectors of the districts they visited and discuss with them any practical difficulties and problems that might have been experienced by the election officers in connection with the preparations for the second general elections.

During their tours the Deputy Election Commissioners directed their attention mainly to the following items:—

1. *Ballot Boxes.*
 - (a) Storage and actual physical verification of the stock of ballot boxes; and
 - (b) Checking the condition and the state of repair of the ballot boxes.
2. *Ballot papers and paper seals.*
 - (a) Storage; and
 - (b) Physical verification of the stock.
3. *Progress made in preparing the lists of polling stations.*
4. *Miscellaneous :—*
 - (a) Electoral rolls; and
 - (b) Election rehearsals.

The Deputy Election Commissioners reported some instances of defects and irregularities in the maintenance of the accounts of election materials and the arrangements for their storage. The Chief Election Commissioner issued suitable directions on these reports for the removal of such defects and irregularities. The State Governments were requested to direct the election officers in the other districts not visited by the Deputy Election Commissioners to inspect their own offices and election materials and remove any similar defects that might come to light.

During the general elections of 1951-52, the Chief Electoral Officer of a State did not have any statutory status or functions. It was soon felt, however, that the Chief Electoral Officer should be given a legal status and vested specifically with legal duties and powers. The term "Chief Electoral Officer", was accordingly defined in the Rules to mean an officer appointed by the State Government to perform the functions of the Chief Electoral Officer under the Rules. They were given this legal status only for the purpose of preparation of the electoral rolls. After the completion of the first general elections, it was considered more appropriate that the appointment of a Chief Electoral Officer should be made with the concurrence of the Election Commission and an amendment was accordingly made in 1952 providing for the same.

Chief Electoral
Officer.

The Act itself did not so far include any reference to the Chief Electoral Officer. This position was considered unsatisfactory and the Chief Electoral Officer was given direct statutory recognition in 1956.

Under Section 13A of the Representation of the People Act, 1950, as amended by the Representation of the People (Amendment) Act, 1956, the Chief Electoral Officer of a State is to be an officer of Government designated or nominated by the Election Commission in consultation with the State Government. In practice, the State Government sends to the Commission the name of an officer whom it recommends for appointment as Chief Electoral Officer; or, preferably, it sends a panel of such names for the Commission to select from and appoint the Chief Electoral Officer. The procedure has worked satisfactorily except that on a few occasions a State Government has overlooked the correct legal position and without the Commission's approval transferred a Chief Electoral Officer to another post and relieved him by another officer and only subsequently asked for the Commission's *post facto* sanction for the arrangements made. On every such occasion the Commission has drawn the attention of the State Government concerned to the irregularity involved in such procedure. The position was eventually regularised by the Commission in every case after it had been assured that the correct procedure would be followed in the future.

Subject to the superintendence, direction and control of the Election Commission, the Chief Electoral Officer supervises the preparation and revision of all electoral rolls and the conduct of all elections in the State.

The set-up in the office of the Chief Electoral Officer varies widely from State to State. During the second general elections there were whole-time Chief Electoral Officers in the following States:—

Andhra Pradesh,
Assam,
Bihar,
Bombay,
Madhya Pradesh,
Madras,
Mysore,
Orissa,
Punjab and
Rajasthan.

In the other States, the Chief Electoral Officers were appointed on a part-time basis in addition to the other duties they performed as officers of the State Government. In some of the

States, whole-time Chief Electoral Officers were placed on a part-time basis after the rush of work in connection with the second general elections was over. On the 1st January, 1958, for instance, the Chief Electoral Officers were whole-time only in the following States :—

Andhra Pradesh,
Assam,
Bihar,
Madras,
Mysore,
Punjab and
Rajasthan.

The personnel through which the Election Commission acts in the States have so far invariably belonged to the services under the control of the State Governments. Election Machinery in the States.

As already mentioned, the law has been amended now to provide that 'an officer of Government' is appointed by the Election Commission in consultation with the State Government as the Chief Electoral Officer of the State. It is no doubt permissible in law to appoint an officer of the Central Government to be the Chief Electoral Officer of a State but no such officer has been appointed till now on grounds of practical convenience.

The election machinery in a State must be in constant and intimate touch with the State Government and its officers of all grades and it must act in the closest administrative collaboration with the State Government in order that the urgent and intricate work of making preparations for and holding the elections can be carried out smoothly and expeditiously. The Commission has always felt that only an officer in the service of the State Government itself can adequately perform this task and that an officer coming from outside and having no roots in the State where he has to perform his duties would be faced with too many handicaps. Accordingly, the Commission has invariably appointed a senior executive or judicial officer of the State Government as the Chief Electoral Officer of the State. On occasions, the Commission has not been able to accept the recommendation of the State Government as to the particular officer who should be so appointed and has had to call for alternative names for its consideration. This was to ensure that the Chief Electoral Officer might be an officer of a sufficiently high seniority and status and might possess the necessary background, independence and training which would equip him adequately for the responsible task he would be called upon to perform. This system has worked well on the whole.

Independence of
the Chief Elec-
toral Officer.

Suggestions have, however, been made to the Election Commission that a Chief Electoral Officer appointed under the present system might find himself to be too much under the control of the State Government and that he might not sometimes be free to act independently in his capacity as the Chief Electoral Officer—particularly in respect of matters which have a direct or indirect bearing on questions involving a political complexion or implications. It has been represented that there is a risk of his acting as a mere mouth-piece of the State Government in such matters and of the Commission being deprived of the benefit of dispassionate and independent advice as also of objective reports which the Chief Electoral Officer might feel himself debarred from tendering in the present scheme of things. The Commission is not unmindful of this risk and, in fact, has at times felt that some Chief Electoral Officers may not have always been able to express themselves freely in controversial matters. It is quite possible, however, to minimise such risk by adopting a suitable procedure in dealing with such matters. The Commission has already taken steps to ensure that the Chief Electoral Officer no longer acts or is even regarded as a limb of the State Government but that in regard to his statutory duties he may act more and more as an independent authority under the direct control of the Election Commission. So far as he has to utilise the State Government machinery and resources for election purposes, he would no doubt function administratively as an officer of the State Government and act as a liaison officer between the State Government and the Commission. The Commission has always insisted that the Chief Electoral Officer must be given an adequate secretariat status in the State Government, *e.g.*, that of a Secretary, Joint Secretary or Deputy Secretary. Without such a status, he cannot deal with the subordinate officials with the authority of the Government and would have to go up to the department concerned in every little matter in which a Government order is considered necessary. There would perhaps be technical difficulties in giving an officer imported from outside a secretariat status in the State Government, in which case he would in the end prove ineffective in practice. The Commission does not accordingly consider it necessary in the present circumstances to depart from the present practice of appointing an officer of the State Government as the Chief Electoral Officer.

An effective answer to the criticisms levelled against the present system would be to divide the duties and functions of a Chief Electoral Officer into two distinct categories, *viz.*, (i) electoral, and (ii) administrative, and to demarcate the two categories as clearly as possible. In respect of "electoral" matters, the Chief Electoral Officer would be required to correspond and

deal with the Commission direct without the necessity of obtaining any prior concurrence of the State Government. The State Government need not, in fact, be troubled with any of such matters, with which it would not be directly concerned. If it is felt desirable or necessary that the State Governments' views should also be available to the Commission, copies of the correspondence between the Commission and the Chief Electoral Officer would be communicated to the Chief Secretary to the State Government for the purpose. In respect of all "administrative" matters, however, the Chief Electoral Officer would function in full consultation with and with the concurrence of the State Government. In fact, this procedure has already been brought into operation and has been working satisfactorily.

In the light of the experience gained during the last eight years, the Commission has come to the conclusion that the Chief Electoral Officer of a State should be a senior officer of the State Government preferably with the status of a Joint Secretary at least. Except for a year or so during the general elections there is no objection to his being a part-time officer but in every such case a junior whole-time officer should invariably be made available to him as his Deputy. The Commission has noticed that many part-time Chief Electoral Officers find it difficult, in view of their other preoccupations, to undertake tours to the districts and this inevitably results in the loss of an effective touch between the Chief Electoral Officers on the one hand and the district officers and other election officers in the districts on the other. Experience has also shown that occasional, if not frequent, inspections of election offices in the district headquarters and the subdivisions have a salutary effect in toning up the efficiency and removing the working defects of these offices. Such inspections also afford a very valuable opportunity to the local election officers to apprise the Chief Electoral Officer and through him the Election Commission of the practical difficulties, if any, that they experience in carrying out the provisions of the law and the directions of the Commission and the Chief Electoral Officer. Not unoften has it been found that a particular officer has evolved an improved procedure in some detail or introduced some innovation which is capable of being generally adopted with advantage and has on a few occasions been so adopted. During his tours, the Chief Electoral Officer has an opportunity of finding for himself the defects as also the good features of the election offices in the Districts and he is enabled to bring about uniformity of procedure within the State. In case the Chief Electoral Officer is unable through pressure of other work to undertake such inspection tours, he could depute his Deputy for the purpose whenever necessary.

Administrative set-up.

Deputy Chief Electoral Officer.

The Commission does not wish to prescribe specifically a uniform Secretariat status for the Deputy Chief Electoral Officer as conditions vary in different States. The Chief Electoral Officer can keep the State Government informed regarding his needs and suitable arrangements can be made in this regard by the State Government in consultation with the Chief Electoral Officer and the Commission.

In some States, however, the Chief Electoral Officer had to be changed frequently, apparently on account of the exigencies of public service. Such frequent changes should be normally avoided as far as practicable. The Commission appreciates that it may not be always possible to avoid any change whatsoever. This is all the more reason why, for the sake of efficiency and continuity of policy and procedure, there should be an officer like the Deputy Chief Electoral Officer who would be more or less permanently attached to the office of the Chief Electoral Officer and be his second-in-command.

Electoral Machinery in the Districts.

As regards the election machinery in the districts, the organisation varies widely from State to State. In some States there is a whole-time District Election Officer in every district with a nucleus office of his own which is strengthened during election time. In other States, an officer belonging to the normal administrative set-up in the district is placed in charge of election work in addition to his other duties and he is provided with a nucleus office for his election work. In yet other States, there is no definite scheme and the work is done by the normal administrative machinery which has to improvise a haphazard and temporary machinery during the rush at election time to deal with the task. The Commission feels that sufficient experience has now been gained in every State to enable a decision to be taken by which the election machinery in every State at all levels may be put on a permanent and satisfactory basis, so that it may efficiently and adequately discharge the heavy and responsible duties that have been entrusted to it. It need hardly be added that public opinion is getting more informed and critical in regard to all electoral matters and unless the machinery be put on a proper basis and adequately manned, there would be greater dissatisfaction and criticism than hitherto whenever any defects in the working of the electoral machinery come to light.

District and sub-Divisional Election Offices.

In view of the fact that elections to the legislatures and the local representative bodies are now a permanent feature of the life of the nation, it has become urgently necessary to put the election machinery in the districts and their subdivisions on a more satisfactory and well thought-out basis. In the Commission's view, a separate nucleus election office with an adequate permanent staff on a whole-time basis should be set up in every

district and subdivision and this office should be temporarily strengthened by additional hands at the time of an election. The District or subdivisional Election Officers may normally be part-time officers who must, however, be relieved of most, if not all, of their other duties at the time of the elections.

In the course of inspections of some district election offices undertaken by the Election Commission, it was noticed that the organisation at the district and subdivisional level is almost always inadequate and very often haphazard and unsatisfactory. This is not at all fair to the officers who are expected to carry on this important duty and it is not to be wondered at that the work done by the election staff in between two general elections, (*e.g.*, the revision of electoral rolls, the printing of tolls, the revision of the list of polling stations in each constituency from time to time and the allocation of different areas or villages to particular polling stations and the like) is very often below the requisite standard and comes in for severe criticism. Much more sustained and better organised efforts would be called for in future than hitherto if even such routine work is to be done in an efficient and business-like manner. A permanent and adequate nucleus election office at each administrative centre is therefore essential.

In regard to the preparation and maintenance of the electoral rolls of a constituency the permanent machinery consists of the Election Commission, the Chief Electoral Officer and the Electoral Registration Officer of the constituency. There is an Electoral Registration Officer for each assembly constituency and it is his responsibility to prepare and annually revise the electoral roll for the constituency as required by law. The law has made provision for the appointment of one or more Assistant Electoral Registration Officers to assist the Electoral Registration Officer in the performance of his functions. Every Assistant Electoral Registration Officer is, subject to the control of the Electoral Registration Officer, competent to perform all or any of the functions of the Electoral Registration Officer. The Electoral Registration Officer who is an officer of Government or of a local authority is designated or nominated by the Election Commission in consultation with the Government of the State in which the constituency is situated. The Assistant Electoral Registration Officers are also appointed by the Election Commission. Generally officers of the status of Deputy Commissioners, Collectors, Deputy Collectors, Tahsildars etc. were appointed as Electoral Registration Officers while officers junior to them were appointed to assist them as Assistant Electoral Registration Officers. Prior to the first general elections in 1951-52, 324 persons were appointed as Electoral Registration Officers for

Electoral Registration Officers and Assistant Electoral Registration Officers.

Parliamentary constituencies and 1,275 for the Assembly constituencies whereas such appointments made prior to the second general elections in 1957 were 5 and 1,125 respectively. 1,116 persons were appointed as Assistant Electoral Registration Officers during the second general elections. The marked fall in the number of Electoral Registration Officers is due to the fact that after the passing of the Representation of the People (Amendment) Act, 1956, it is no longer necessary to prepare separately the electoral roll for any Parliamentary constituency (other than a Parliamentary constituency in a Union territory) which now consists of the electoral rolls for the component Assembly constituencies. No separate Electoral Registration Officers were, therefore, required to be appointed for any Parliamentary constituency except in the Union territories.

Returning Officers
and Assistant
Returning Officers.

For each Parliamentary or Assembly constituency, a Returning Officer is appointed by the Election Commission. He has to be an officer of Government. One or more persons who are also officers of Government are appointed as Assistant Returning Officers to assist him in the performance of his functions. Whenever bye-elections or general elections are to be held, the Returning Officer comes into action. Subject to the approval of the Commission, the Returning Officer selects the polling stations for his constituency. He also makes all preparatory arrangements for the holding of the poll. He appoints the personnel required for the conduct of the poll. The size of the polling personnel depends on the extent of the constituency and the number of polling stations. The Returning Officer's duty continues until the last candidate has lodged his account of election expenses.

The Assistant Returning Officers were originally debarred from performing any of the functions of the Returning Officer which related to the counting of votes unless the latter was unavoidably prevented from performing such functions. In a large constituency it sometimes becomes necessary to count votes at different places. As the Assistant Returning Officers were not permitted to do this, the Returning Officer himself had to count votes at all such places one after another. This often resulted in a good deal of avoidable delay. Under the amended law, the Assistant Returning Officers are now eligible to undertake the counting of votes subject to the over-all control of the Returning Officer. The only function of the Returning Officer which an Assistant Returning Officer is not competent to perform at present is the scrutiny of nomination papers. Even this he is permitted to undertake if the Returning Officer is unavoidably prevented from holding such scrutiny himself.

After the re-organisation of the States, the Commission appointed the following officers in respect of every constituency

as determined by the Delimitation of Parliamentary and Assembly Constituencies Order, 1956:

- (i) Electoral Registration Officers and Assistant Electoral Registration Officers for each Assembly constituency and for each Parliamentary constituency in a Union territory;
- (ii) Returning Officers and Assistant Returning Officers for each Assembly and Parliamentary constituency.

These officers were specified by their official designations as far as practicable so that in case any individual officer retired from service or happened to be transferred, his successor in office might automatically take over his office without the necessity of his being designated or nominated specifically to the office. Where, however, it was not possible to describe an officer adequately by his designation, the appointment had to be made by name.

The following categories of officers were appointed as Electoral Registration Officers, Assistant Electoral Registration Officers, Returning Officers and Assistant Returning Officers :—

Designation	Categories	No. of Officers
Electoral Registration Officers	Revenue Officials, Magistrates, Commissioners, Sub-Divisional Officers, Municipal Officials, District Election Officers, Head Clerk to the Collector, Personal Assistant to the Collector.	1,130
Assistant Electoral Registration Officers	Revenue Officials, Magistrates, Commissioners, Sub-Divisional Officers, Special Officers, Municipal Officials, District Election Officers, Head Clerk to the Collector and Personal Assistant to the Collector.	1,116
Returning Officers	Revenue Officials, Secretaries of State Governments, Magistrates, Commissioners, Sub-Divisional Officers, Municipal Officials, Personal Assistant to the Collector.	1,003
Assistant Returning Officers	Revenue Officials, Secretaries of State Governments, Magistrates, Commissioners, Sub-Divisional Officers, Municipal Officials, District Election Officers, Special Officers.	1,260

In all 1,003 Officers were appointed as Returning Officers and 1,260 as Assistant Returning Officers for the second general elections compared to 1,253 and 1,962 respectively during the first general elections in 1951-52.

During the preparation and revision of electoral rolls a large number of claims for the inclusion of names of voters and of

Revising Authorities.

objections to the inclusion of the names of other voters are received. Judicial officers or senior revenue officers are usually appointed as Revising Authorities to decide such claims and objections after a summary enquiry. The Revising Authorities are appointed by the State Government or by an officer authorised in this behalf with the approval of the Election Commission. If the number of claims and objections pending before a Revising Authority is too large, the State Government or the officer authorised by the State Government in this behalf appoints one or more additional Revising Authorities to expedite their decision. In all 1,479 Officers were appointed as Revising Authorities before the draft electoral rolls were finally published in 1956.

“Election Com-
missioners” in
States.

It came to the notice of the Commission that some State Governments chose to designate their officers employed for conducting elections to local bodies or even the general elections as “Election Commissioners”. The expression “Election Commissioner” has a precise technical meaning under the Constitution. Article 324 of the Constitution contemplates the appointment of the “Chief Election Commissioner” and “Election Commissioners” by the President alone. The designation of any other officer by a State Government as an Election Commissioner cannot but lead, therefore, to confusion and misunderstanding. In fact, on a few occasions, telegrams and letters addressed to such officers in the States were actually received in the office of the Election Commission. If the State Governments designate any of their officers as “Election Commissioner” there would be a scope for public misapprehension that these appointments have also been made under the Constitution. The Commission accordingly requested the State Governments concerned that the earliest opportunity should be taken to alter the designation of the officers in question to some other appropriate designation. This has since been done.

Polling Personnel.

The actual poll is conducted by a large number of Presiding and polling officers. For every polling station, a Presiding officer and a few polling officers are appointed in respect of each separate election—Parliament and Assembly. When elections are held simultaneously to Parliament and the Legislative Assembly, some of these officers are appointed in respect of both the elections in respect of a polling station.

A polling party conducting simultaneous elections to Parliament and the Legislative Assembly normally consists of :

- (i) A common Presiding Officer (of as high an official status, as may be practicable);
- (ii) a common polling officer (who is called the Assistant Presiding Officer) previously authorised

by the Returning Officer in writing to act as the Presiding Officer in case the Presiding Officer has, for some reason or other, to be temporarily or altogether absent from the polling station on the day of the poll;

- (iii) one common polling officer in charge of the distribution of official identity slips to the voters;
- (iv) one polling officer to check the identity of voters inside the polling station;
- (v) one polling officer to issue ballot papers to voters;
- (vi) one or more extra polling officers to help or replace others, as necessary;
- (vii) peons, as necessary; and
- (viii) policemen on duty at the polling station.

The Presiding Officer plays a very important role during the elections. His task is trying and difficult and taxes his physical and mental capacity to the utmost. Presiding Officer.

Care was therefore taken to ensure that Presiding Officers possessed adequate administrative capacity and some knowledge of the basic election law as also a modicum of social standing and reputation for integrity so as to be able to command the confidence of the public.

The Commission obtained from the State Governments a careful estimate district by district of the maximum number of Presiding Officers, Polling Officers and Policemen who would be available for polling duty. The Central Government also issued necessary instructions to the Heads of offices under its control in the different States directing them to make available for polling duty, such of their personnel as could be spared without serious prejudice to the normal functioning of these offices. The Commission further directed that no Honorary Magistrate, unless he be a Government Officer otherwise, should be appointed as a Presiding Officer during the second general elections.

The strength of the polling personnel, excluding policemen, was in the neighbourhood of 9,00,000 during the first general elections in 1951-52 whereas during the general elections in 1957 it was 9,26,328.

During the general elections of 1951-52 and the subsequent bye-elections, women lecturers of the Universities and lady teachers of High Schools and Middle English Schools were drafted for appointment as lady assistants at the polling stations to assist the women voters and also to assist the Presiding Officers in taking the poll of women voters and especially to mark their Lady Assistants at polling stations.

forefingers with indelible ink. The arrangement was continued successfully during the second general elections in 1957.

Every polling station normally serves both men and women voters. In a few areas, however, where women observe strict purdah, separate polling stations had to be provided for men and women. There were 27,084 polling stations in all set apart exclusively for women voters.

Difficulties experienced.

As far as practicable, an adequate number of Presiding and Polling officers were provided by the Returning Officer of every constituency so that the poll might not require to be staggered too long. The services of non-government school teachers, professors and pensioners had to be requisitioned in some constituencies where a sufficient number of government employees were not available.

An unexpected difficulty arose in Punjab at a late stage. A large number of school teachers who had been selected for duty as polling officers gave notice of strike on the eve of the elections. The State Government had to make alternative arrangements for replacing the teachers by requisitioning the services of other Government officials even at the risk of the temporary closure of some Government offices, teacher trainees, and freshly recruited personnel. The teachers who had threatened to go on strike were also warned that if they defaulted in performing their election duties, they would expose themselves not only to departmental disciplinary action but also to criminal prosecution under the electoral law. The strike was eventually called off and the replacement of the teachers was not found necessary.

In the same State, senior officers of some departments objected to their being posted as Presiding Officers for the reason that the Returning Officers for the Assembly constituencies were junior to them in status in the official hierarchy. The objection was over-ruled as misconceived. The Presiding Officers have independent and distinct functions in their own sphere and are not subordinate to the Returning Officers for every purpose although they may be formally appointed by the latter. In any case, in view of the shortage of personnel the only alternative would have been to appoint these officers as Returning Officers instead of Presiding Officers. This would have been impracticable as the Returning Officer's work was necessarily spread over a much longer period and the particular officers could not be spared by their departments for such a long period. Moreover, the type of work required to be done by a Returning Officer can be more conveniently undertaken by officers who have the requisite administrative background and experience.

CHAPTER VI

ELECTORAL ROLLS

Amendments of
the Law.

The amendments made in the law relating to electoral rolls have been noticed in detail in Chapter II. In the light of the experience gained, the Commission felt that it resulted in an unnecessary duplication of effort and expenditure to require the preparation or revision of separate electoral rolls for Parliamentary constituencies in addition to the rolls for Assembly constituencies. The Representation of the People Act, 1950, was accordingly amended as already explained in Chapter II so as to provide that the electoral roll for every Parliamentary constituency shall consist of the electoral rolls of all the Assembly constituencies which are comprised within that Parliamentary constituency. In a Union territory, there are no Legislative Assembly constituencies. In such a territory, therefore, it is still necessary to prepare or revise in the usual way the electoral roll for every Parliamentary constituency.

Another amendment has done away with the necessity for the *de novo* preparation of the electoral rolls of a constituency every year and it is now sufficient to revise the existing electoral roll annually.

According to yet another amendment, so long as a person otherwise qualified is ordinarily resident within the constituency on the "qualifying date" he is eligible for enrolment as a voter and it is no longer necessary that he must have been so resident for a qualifying period of 180 days in the preceding calendar year.

At the time of the annual revision of the electoral rolls in 1956, hundreds of Indian citizens were under detention in Goa and other Portuguese territories for an indefinite period. It was universally felt that they should not be made to lose their franchise as a result of their long incarceration which prevented them from qualifying in respect of their ordinary places of residence. An amendment was accordingly made to the Statutory Rules in January, 1957, enabling every such citizen to apply for and obtain inclusion of his name in the electoral rolls through an elector of the constituency in which his name would have been enrolled but for his detention in Portuguese territory.

Qualification for
registration.

The qualifications which a person must possess in order to be registered as a voter in the electoral rolls of Parliamentary

and Assembly constituencies are the same. Every person who on the qualifying date—

- (a) is not less than 21 years of age, and
- (b) is ordinarily resident in a constituency and not disqualified otherwise, is entitled to be registered in the electoral roll for that constituency. The qualifying date in relation to the preparation of or revision of an electoral roll is the first day of March of the year in which the roll is prepared or revised.

The law disqualifies a person for enrolment as an elector if he—

- (a) is not a citizen of India, or,
- (b) is of unsound mind and stands so declared by a competent court, or,
- (c) is for the time being disqualified for voting under the provisions of any law relating to corrupt practices or other offences in connection with elections.

The duty of preparation or revision of the electoral roll for an Assembly constituency (or a Parliamentary constituency in a Union territory) is vested in an Electoral Registration Officer who is an officer of the Government or of a local authority and who has been appointed by the Election Commission in consultation with the Government of the State or the Administrator of the Union territory within which the constituency is situate. The law also permits the Commission to appoint Assistant Electoral Registration Officers to assist an Electoral Registration Officer in the performance of his functions. The Commission made liberal use of this provision and appointed one or more Assistant Electoral Registration officers to assist every Electoral Registration Officer.

Electoral Registration Officer.

An application may be made by an elector to the Electoral Registration Officer for a constituency for having the entry in the electoral roll in respect of himself corrected. The Electoral Registration Officer is empowered by law to make such corrections as may be necessary, when he is satisfied that the entry in question does in fact relate to the applicant and is erroneous or defective.

Correction of entries in the electoral rolls.

Any person whose name is entered in one part of an electoral roll may apply for transposing the entry relating to him to another part of the same roll.

Transposing of an entry.

Any person who is eligible for enrolment as a voter but whose name has not been included in the electoral roll of a constituency may apply to the Electoral Registration Officer for the inclusion of his name in that electoral roll. If, however, such an application for the inclusion of a name is made after the issue of a notification calling upon that Assembly constituency (or the Parliamentary constituency within which that Assembly

Inclusion of name in electoral roll.

constituency is comprised) to elect a member and before the completion of that election, it must be made to the Chief Electoral Officer instead of the Electoral Registration Officer. Where an application for inclusion of a name in the electoral roll was made to the Electoral Registration Officer and has been rejected by him, an appeal may be filed against such order of rejection to the Chief Electoral Officer of the State concerned. Similarly, an appeal lies to the Election Commission against an order of rejection passed except in an appeal by the Chief Electoral Officer.

Enrolment of
displaced persons.

Efforts are being made to rehabilitate the millions of displaced persons who have come over to India from areas now in Pakistan as a result of the partition. Their rehabilitation would, however, be incomplete unless and until they have been rehabilitated politically as well. The first step towards such political rehabilitation is obviously to have them registered as citizens of the country and then to extend the franchise to them by enrolling them as electors. According to the Citizenship Act of 1955, citizenship was conferred on certain categories of persons who had migrated to India after the partition of the country in 1947.

In order to have his name enrolled as a voter, a displaced person was required first to get himself registered before the 15th December, 1956, as a citizen of India under the Citizenship Act, 1955. Registration Authorities were set up for the purpose under that Act. A displaced person was required to apply formally for registration as an Indian citizen to the competent registration authority. The displaced persons were naturally anxious to get themselves enrolled as voters early so that they might participate in the second general elections. They were advised by the Election Commission to apply for Indian citizenship in time so that they might be enrolled as Indian citizens before the 15th December, 1956 in which case the Commission undertook to arrange for the enrolment of those amongst them who were otherwise eligible to be voters. Such of the newly registered Indian citizens as were not less than 21 years of age on the first day of March, 1956, and were ordinarily resident in a constituency on that date, were entitled to be enrolled as voters in that constituency, provided they were not otherwise disqualified. In order to expedite the enrolment of their names in the electoral rolls, a provision was made in the law whereby every displaced person on being registered as an Indian citizen, would be automatically considered for enrolment as an elector by the Electoral Registration Officer concerned. Every such person was thus saved the trouble of having to make a formal application for the inclusion of his

name in the electoral roll. A supplementary electoral roll was prepared in respect of the displaced persons who were thus enrolled.

After the first general elections in 1952, the Commission directed that in respect of each of the five years from 1952 to 1956 the annual revision of the electoral rolls in a State should intensively cover one-fifth of the entire area of the State so that every locality might have its electoral roll intensively revised at least once before the second general elections. Apart from this, the Commission also directed the intensive revision of the rolls every year in respect of some special kinds of areas where the electoral rolls were likely to become inaccurate and out of date fairly soon after preparation, *e.g.*, (1) urban areas, (2) areas with a floating labour population or where unrehabilitated displaced persons had congregated, and (3) areas to and from where fairly large movements of population were known to have taken place. That part of the rolls relating to electors entitled to vote by postal ballot was also directed to be intensively revised every year. Having regard to the fact that the second general elections were to be held on the basis of the electoral rolls to be prepared or revised in 1956, the Commission directed all Electoral Registration Officers about the end of 1955 that the rolls for the year 1956 should be prepared or revised as accurately as possible and that special steps should be taken to ensure that the revised rolls for 1956 were finally published in time.

Annual revision of Electoral Rolls for 1956.

Consequent on the reorganisation of the States in 1956, a Delimitation Commission was constituted to redelimit the constituencies in the newly formed States, wherever this was necessary as a result of such reorganisation. The Delimitation of Parliamentary and Assembly constituencies Order, 1956, which laid down the limits and extent of every constituency was formally promulgated by the Delimitation Commission on the 19th December, 1956. Authenticated copies of the Order were sent to the States on that very day. As very little time was available between this date and the date settled for the issue of the notifications calling upon the constituencies to elect members, the electoral officers in the States had to work hard and against time for collating the rolls of the newly formed constituencies from the finally published electoral rolls of the erstwhile constituencies. The task was well performed, however, in every State and the collated electoral rolls of the new constituencies were published in time so as not to disturb the time-table for the second general elections. In order to make this possible, electoral officers in the States had been given detailed instructions by the Election Commission and the contents of the proposed Delimitation Order

Collation of electoral rolls after the reorganisation of States.

had been communicated in advance to the officers as far as practicable even before it was formally promulgated.

Number of copies
of electoral rolls.

The Election Commission has carefully considered the position regarding the number of copies of electoral rolls that should be printed. Under the law, two copies of the rolls are to be supplied free of cost every year to every recognised political party. Apart from this, there are demands for copies of the rolls from local bodies in many areas as they adopt these rolls for the conduct of their elections as well. The possibility of a bye-election has also to be kept in view. The Commission accordingly decided that 200 copies of every electoral roll should be printed in future.

The electorate.

The total number of voters enrolled in 1956 in the whole country (excluding Jammu and Kashmir, Andaman and Minicoy Islands) was 193,646,069. The estimated total population of the country excluding the above areas in that year was 384,370,000. About 50.4% of the total population was thus entered in the electoral rolls. The percentage of the adult population (*i.e.*, persons over 21 years of age) is estimated at about 51 per cent. The enrolment of voters can thus be claimed to have been almost exhaustive. Any complaints of large-scale non-inclusion of voters in the electoral rolls can, therefore, have no real basis at all. Such complaints as were received were entirely local in character. The total number of voters for the first general elections of 1951-52 was 173,213,635. This represented about 96% of the adult population, whereas for the second general elections held in 1957, about 98.8% of the adult population was enrolled as voters.

Enrolment of
women voters.

Before the first general elections in 1951-52, the names of many women voters had to be struck off from draft electoral rolls because they had refused to give their proper names to the Registration authorities through some old-world custom and prejudice and they had been entered in the draft rolls not by their own names but by the description of the relationship they bore to some male relation or other, *e.g.*, A's mother, B's wife etc. The Electoral Registration Officers were instructed by the Commission to substitute the proper names of these women voters in the electoral rolls in place of such entries based on relationship. The entries in respect of as many as 2.8 million women voters had to be deleted from the draft electoral rolls as they persisted in refusing to divulge their proper names even at that stage. The name of an elector is an essential part of his or her identity, and has to be included in the electoral rolls according to law. Most of these cases of deletion of entries in respect of women voters arose in Bihar, U.P., Madhya Bharat,

Madhya Pradesh, Rajasthan and Vindhya Pradesh (now a part of Madhya Pradesh).

Immediately after the first general elections, instruction were issued to the Electoral Registration Officers to persuade these women voters to disclose their proper names and then enrol them as electors. Co-operation and help was sought from the political parties and the local women's organisations with a view to breaking down the prejudice in this regard on the part of the women concerned. Women in general have come to value their franchise greatly and those women in respect of whom the entries had been deleted from the rolls in 1951 were in fact very disappointed when they saw their sisters exercising their franchise while they themselves could not do so. The prejudice disappeared readily thereafter and they came out with their proper names even during the very first revision of the electoral rolls undertaken after the first general elections. No State has reported any difficulty in the enumeration of women voters thereafter. About 92,141,597 women voters were registered in the electoral rolls of the whole country for the second general elections. In other words about 94% of adult women have now been registered as voters.

The overall expenditure incurred for the preparation and revision of electoral rolls between the first and the second general elections, *i.e.*, from 1952-53 to 1956-57 was approximately Rs. 5,99,55,719.

Cost of preparation of electoral rolls.

All expenditure on the preparation and revision of the electoral rolls is shared on a 50 : 50 basis between the Central and the State Governments. As the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura are under the direct administration of the Central Government, the whole of the expenditure incurred in these Territories in connection with the preparation or revision of the electoral rolls is borne by the Central Government.

The Commission considers that the registration authorities have a special responsibility for ensuring that the names of the members of the Legislatures who continue to be eligible for enrolment may not be omitted from the electoral rolls through mistake or inadvertence. These members are required to remain away from their constituencies for a considerable part of the year in connection with their duties in the Legislatures and they often find it difficult to verify whether entries in the electoral roll relating to them are continued from year to year. Accordingly the Commission directed the Electoral Registration Officers to make a special check in respect of the entries relating to the members of the Legislatures. This has been done quite satisfactorily. A regrettable instance was,

Enrolment of members of Parliament and State Legislatures.

however, brought to the notice of the Commission in which the name of a sitting member of Parliament did not appear in the relevant Electoral Roll for 1956. The omission was detected too late with the result that the member in question was unable to file his nomination papers in connection with the last general elections. In order to ensure that no such glaring omissions may occur in the electoral rolls in future, the Commission has since directed that—

- (a) an exhaustive list shall be made in respect of every Assembly constituency of the names of all sitting Members of Parliament or the State Legislature whose names appear in the electoral roll of the constituency. The Chief Electoral Officer shall send to the Electoral Registration Officer of each such constituency a copy of this list for the constituency. The list is to be kept up-to-date and the Electoral Registration Officers kept informed from time to time of all amendments made therein;
- (b) at the time of the preliminary publication of the electoral rolls every year, the Electoral Registration Officers concerned are to certify to the Chief Electoral Officer that the name of every member of Parliament or State Legislature has been included in the draft rolls in case he continues to be eligible for such inclusion;
- (c) in every case where the name of any such person has been omitted from the rolls, the Electoral Registration Officer shall report to the Chief Electoral Officer the full facts which justify such omission;
- (d) at the end of every year, the Chief Electoral Officer is to report to the Commission all cases under clause (c) which have occurred in the State with a copy of the report of the Electoral Registration Officer in each case.

Accuracy of the electoral rolls.

The Commission does not claim that the election machinery is perfect. Like all human institutions, it has its shortcomings. Even after the experience gained during the last eight years, and in spite of every effort, quite a number of eligible voters may still have been left out of the electoral rolls.

It would however appear from the percentage of enrolled voters as compared to the total adult population that the electoral rolls are substantially accurate and that there are no large-scale omissions in them. The fact that complaints about the inaccuracy of the rolls were received even during the general

elections from isolated areas only and mostly concerned individual names would also go to support the claim that the electoral rolls are substantially accurate. No doubt, the standard of accuracy could and should be further improved. It is doubtful, however, whether the present machinery employed in the revision of electoral rolls can attain a very much higher standard than obtains at present.

In order that the recognised political parties and their workers could effectively co-operate in the thorough revision of the electoral rolls, a new rule, namely Rule 11(c), was added to the Representation of the People (Preparation of Electoral Rolls) Rules, 1956. In accordance with the provisions of this rule each recognised political party in a State is to be supplied with two complete copies of the draft electoral rolls of the entire State. They were expected to have these electoral rolls checked by their workers and to communicate to the Electoral Registration Officer of every constituency lists showing the names of dead or non-resident voters included in the draft rolls as also the names of eligible voters whose names had been left out. It was agreed between the Election Commission and the representatives of the recognised all-India political parties that these lists would be supplied to the Electoral Registration Officers well before the electoral rolls are published in draft. If this be done, the Electoral Registration Officers can have these lists checked in time and incorporate the necessary amendments in the draft rolls. There would be no necessity in such a case for filing formal claims and objections after the draft publication and proving the same before the Revising Authorities. To the extent that the recognised political parties co-operate in this scheme, the elections officials receive material assistance in keeping the electoral rolls up-to-date and accurate. The response received from the recognised political parties has, however, been very disappointing so far inasmuch as the Electoral Registration Officers have received lists of amendments from the political parties in very rare cases only.

Co-operation of
political parties.

It may perhaps be argued by way of explanation that the 1956 revision of the electoral rolls having taken place shortly before the general elections, and the 1957 revision shortly thereafter, the political parties were too pre-occupied to extend effective co-operation in this regard during these two revisions. Whether this sufficiently explains the apparent apathy of the political parties or not would be clearly proved when more experience has been gained in this regard in course of the annual revision of the electoral rolls during 1958 and 1959. At the end of that period, a final decision will have to be taken as to

whether it is worthwhile continuing to supply the recognised political parties with free copies of the electoral rolls every year.

It should be mentioned that the free supply of these copies is a source of irritation to and complaints from the other political parties which have not yet qualified for recognition. Even independent candidates feel aggrieved in this regard. The provision is criticised as being artificially discriminatory in favour of those political parties which have attained the status of recognised parties on the basis of their past electoral performances and it is alleged that the free copies of the electoral rolls obtained by the recognised parties are utilised solely for election purposes and hardly at all for the purpose for which they are intended, namely, helping the preparation of accurate electoral rolls. A further complaint is made that this system enables all candidates sponsored by the recognised political parties at an election to obtain free copies of the electoral rolls while all other candidates have to incur expenditure in this regard and that this amounts to discrimination against them. There would certainly be a good deal of force in this criticism in case the supply of free copies of the electoral rolls to the recognised political parties continues to fail substantially in its primary objective of securing the effective co-operation of these parties in making the annual revision of the electoral rolls thorough. It is, however, as yet premature for the Commission to decide whether the system has really proved a failure and should be scrapped.

**Co-operation of
village organisa-
tions.**

The Commission has lately been assessing the possibilities of enlisting the co-operation of the village communities themselves in the rural areas in the task of the revision of the electoral rolls. The idea is to hand over one copy of the relevant part of the electoral roll to a responsible and representative village organisation (e.g. the panchayat, gaon sabha, Union Board, community development unit and the like as may be available in each particular area) which would be requested to check the roll and to return it promptly with a list of necessary amendments say, within a week or so. These lists could then be treated as informal suggestions for amendments and after the necessary scrutiny by the normal revising agencies these lists could be incorporated in the draft electoral rolls before formal publication. Villagers were sounded by the Commission in a few areas in some States and their reactions to the suggestion were encouraging. The Commission is already in communication with the State Governments for assessing the possibilities of this method of introducing an independent and additional check by the electorate themselves. To the extent the villagers can be enthused in this regard, the annual revision of the rolls in the

rural areas would become more effective and satisfactory. If the method is finally adopted, there should be no further occasion for complaints in respect of the electoral rolls from the electorate at least.

Until and unless the political parties or other social organisations and the eligible voters themselves extend their full co-operation during the annual revision of the electoral rolls, it would be a well nigh impossible task to ensure complete accuracy in the electoral rolls. The future will show how far such co-operation will be available to the election machinery.

CHAPTER VII

DELIMITATION OF CONSTITUENCIES

The first general elections to the House of the People and the Legislative Assemblies were held from constituencies which were delimited in 1951 by an Order of the President under sections 6 and 9 of the Representation of the People Act, 1950. This delimitation was to remain legally effective only in respect of any general elections held within three years of the coming into force of the Constitution, *i.e.*, before the 26th January, 1953, as also any bye-elections to a House of the Legislature constituted by such general elections. The Constitution requires that the representation given to the territorial constituencies of the House of the People and the Legislative Assembly of every State shall be readjusted after every quinquennial census operation on the basis of the finally published population figures according to that census. The population figures of the 1951 census were finally published in 1953 and readjustments of constituencies had therefore to be made on the basis of those figures immediately thereafter.

Delimitation of
Constituencies in
1951.

The procedure laid down in section 13 of the Representation of the People Act, 1950, was followed in delimiting the constituencies in 1951. In actual experience it was found that the procedure did not work very smoothly or satisfactorily. In particular, sub-section (3) of that section made the Delimitation Orders issued by the President subject to amendments by Parliament and many of them were in fact materially amended by Parliament.

Amendment of
the Law.

The Election Commission recommended to Government accordingly that future delimitation of constituencies should be made by an independent body, more or less judicial in composition and that the scheme of delimitation worked out by it should be made final in law. This recommendation was accepted and the Delimitation Commission Act, 1952 (Act 81 of 1952) was enacted by Parliament. Under this Act, a Commission is required to be constituted for readjusting the representation of the territorial constituencies of the House of the People and the Legislative Assembly of each State, other than Jammu and Kashmir, and delimiting these constituencies. The Commission is to consist of three members, two of the members being serving or retired Judges of the Supreme Court or High Courts, while the third member is to be the Chief Election Commissioner *ex-officio*. The Commission that was eventually set up had a retired Judge of the Supreme Court as its Chairman and a retired Chief

Justice of a High Court as the second member. The law provides that in the performance of its duties the Commission is to be assisted by two to seven associate members for each State drawn from amongst the members of the House of the People representing the State and of the Legislative Assembly of the State. The associate members were appointed by the Speaker of the House of which they were members. In making these appointments due regard was paid by the Speaker to the composition of the House. The associate members were not given the right to vote or to sign any decision of the Commission. In the case of the three Part 'C' States—Kutch, Manipur and Tripura which had no Legislative Assemblies, the two members of the House of the People representing each of the States were appointed as the associate members for the State.

All decisions were taken by the Delimitation Commission after consultation with the associate members. In case of any difference of opinion amongst the members of the Commission, the opinion of the majority prevailed.

The Delimitation Commission Act laid down the procedure to be followed by the Commission in readjusting the representation and in delimiting the constituencies. The Commission was first to determine on the basis of the latest census figures the number of seats to be allotted to each of the States in the House of the People and to its Legislative Assembly. The Commission was also required in respect of each State to determine on the basis of the figures of population the number of seats, if any, to be reserved for the Scheduled Castes and the Scheduled Tribes of the State in the House of the People and in its Legislative Assembly. The Commission was then to distribute the seats so reserved amongst the constituencies to be delimited for the House of the People and the Legislative Assembly.

The following were the principles to be followed in the delimitation of constituencies:—

Principles
delimitation.

1. Every constituency shall be either a single-member or a two-member constituency.

2. The Commission was given the discretion, however, to continue either or both of the existing three-member constituencies. (These were a House of the People constituency in West Bengal and a Legislative Assembly constituency in Bombay). In any such three-member constituency, one seat was to be reserved for the Scheduled Castes and another for the Scheduled Tribes.

3. Wherever practicable, seats were to be reserved for the Scheduled Castes or for the Scheduled Tribes in single-member constituencies.

4. In every two-member constituency, one seat was to be reserved either for the Scheduled Castes or for the Scheduled Tribes, while the other seat would not be so reserved.

5. Constituencies in which a seat is reserved either for the Scheduled Castes or for the Scheduled Tribes were, as far as practicable, to be located in areas in which the population of the Scheduled Castes or, as the case may be, of the Scheduled Tribes is most concentrated. In regard to the Scheduled Castes, however, care was to be taken to distribute the seats reserved for them in different areas of the State.

6. All constituencies should, as far as practicable, consist of geographically compact areas, and in delimiting them, regard was to be had to physical features, the existing boundaries of administrative units, facilities of communication and public convenience.

Procedure for the
Delimitation
Commission.

The Act also prescribed the procedure to be followed by the Commission in the performance of its duties. It required that both in respect of the determination of the number of seats to be allotted to each State in the House of the People and the number of seats to be assigned to its Legislative Assembly and in respect of the distribution of those seats and the delimitation of constituencies, the Commission should—

- (i) publish its proposals in the Official Gazette and in such other manner as the Commission might think fit together with the dissenting proposals, if any, of any associate member who desired such publication;
- (ii) specify a date on or after which the proposals would be further considered;
- (iii) consider at one or more public sittings all objections and suggestions which might have been received by it before such date; and
- (iv) thereafter determine the matters by one or more final orders.

Every final order made by the Delimitation Commission was to be published in the Gazette of India. Upon such publication it became final and could not be called in question in any court. Thus the Orders made by the Commission could not be modified. An exception was made, however, providing for any formal modification which might be found necessary for the limited purpose of correcting clerical or arithmetical mistake or any error that had arisen from an accidental slip or omission. The power to make any such corrections to an Order of the Delimitation Commission was vested in the Chief Election Commissioner. He was, however, to exercise this power with the previous approval of the other members of the Delimitation Commission or such of them as might be available.

In order to secure the uniformity of representation in every Parliamentary constituency as far as practicable, the Constitution, as originally passed, provided that there shall not be less than one member for every 7,50,000 of the population, which means in effect that no single-member constituency of the House of the People could have a population exceeding 7,50,000 and no two-member constituency a population exceeding 15,00,000. It had, however, been found by experience in the delimitation of constituencies in 1951 that this maximum of 7,50,000 was well-nigh unworkable in practice. It would have been far more so in 1953 because of the general increase in the population of the country as revealed by the 1951 census. Accordingly, the Constitution was amended so as to delete the provision prescribing this maximum limit. Even after such deletion, the principle of uniformity in the scale of representation was effectively safeguarded by the provisions in clause (2) of article 81 of the Constitution according to which the number of seats allotted to each State in the House of the People shall be such that the ratio between that number and the population of the State is, so far as practicable, the same for all the States, and secondly, that each State shall be divided into territorial constituencies in such manner that the ratio between the population of each such constituency and the number of seats allotted to it is, so far as practicable, the same throughout that State.

Amendment of the Constitution.

The Commission first formulated its proposals regarding the number of seats to be allotted to each State in the House of the People and the number to be assigned to its Legislative Assembly as also the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes. These proposals were notified in the Gazette of India on the 18th May, 1953. The 3rd June, 1953, was fixed as the date on or after which the proposals would be further considered by the Commission. In formulating these proposals, the Commission had assumed that the new State of Andhra would be duly constituted immediately thereafter out of territories then comprised in the State of Madras. It was further assumed on the authority of the Prime Minister's announcement in this regard that a part of the Bellary District would be transferred from the State of Madras to the State of Mysore. In the delimitation of constituencies made in 1951, the Part C States of Vindhya Pradesh, Delhi, Himachal Pradesh and Ajmer had been allowed considerable weightage in respect of their representation in the House of the People in consideration of the fact that none of these States were expected to have any Legislative Assembly at the time. By 1953, all these States had been given Legislative Assemblies of their own. The Delimitation Commission felt accordingly that there was no further justification for continuing such weightage and the number of seats allotted to

Allotment of Seats in the House of the People and the Legislative Assemblies.

each of these States in the House of the People was reduced by one *i.e.*, to 5, 3, 2 and 1 seats respectively. The total number of seats proposed to be allotted to all the Part C States was 21. The remaining 479 seats were proposed to be distributed among the Part A and Part B States strictly on the basis of the latest census figures.

According to section 8(1)(b) of the Delimitation Commission Act, 1952, the total number of seats allotted to the Legislative Assembly of every Part A or Part B State, other than Jammu and Kashmir, had to be an integral multiple of the number of seats allotted to that State in the House of the People. This multiple varied from 5 to 12 in different States. In the majority of cases, the existing strength of the Legislative Assemblies was not disturbed but a change was considered necessary in a few States. In the case of Bombay, which was allotted 49 seats in the House of the People, the multiple was reduced from 7 to 6 giving the State an Assembly of 294 members instead of the then existing strength of 315. The retention of the multiple 7 would have meant an increase in the strength of the Assembly to 343, which appeared unnecessary. A multiple of 6 was also adopted for the new State of Andhra so that its Assembly would have 168 members. Travancore-Cochin was found to be entitled to one more seat in the House of the People raising its quota to 13. The strength of the Assembly had, therefore, to be increased to 117 if the old multiple of 9 was to be maintained. The Delimitation Commission decided to reduce the multiple to 8 as it appeared unnecessary to increase the size of the Assembly to 117 which would have meant very small constituencies in that densely populated State.

In Assam, the Commission proposed to retain the existing number of reservations for the Autonomous Districts in every case. According to article 332(4) of the Constitution, the number of seats reserved for each of the six Autonomous Districts should bear to the total number of seats in the Assembly a proportion not less than the proportion which the population of the district bears to the total population of the State. If the population figures were to be strictly taken into account, it would have been sufficient to allot 3 seats to the Garo Hills District in place of the then existing 4. The associate members from Assam were, however, unanimous in recommending that a reduction in the number of seats affecting one only of the Autonomous Districts would be liable to be misunderstood by its tribal population and that it would be preferable to retain 4 seats for the district. It was, therefore, proposed to leave the number of reserved seats for all the Autonomous Districts undisturbed.

The published proposals of the Delimitation Commission and the objections and suggestions received from the public within

the time specified were considered at three public sittings which the Commission held at Bangalore, Calcutta and Delhi on the 16th June, 7th July and 10th July, 1953, respectively. Oral representations of persons present at these public sittings were also heard. After reconsidering the proposals in the light of the objections, suggestions and representations received, the Delimitation Commission by its Final Order No. 1, dated the 17th July, 1953, determined the number of seats to be allotted to each of the States in the House of People and the number of seats to be reserved therein (except for Hyderabad and Saurashtra) for the scheduled castes and the scheduled tribes of the State, as also the number of seats to be assigned to the Legislative Assembly of every Part A and Part B State, other than Jammu and Kashmir, and the number to be reserved therein (except for Hyderabad and Saurashtra) for the scheduled castes and for the scheduled tribes of the State. In making this Order, the Commission, as stated earlier, assumed that the State of Andhra would be constituted in the near future with the territories specified in clause 3 of the Andhra State Bill, 1953, and that a part of the Bellary District would be transferred from the State of Madras to the State of Mysore as provided in clause 4 of the Bill.

In the result, the Delimitation Commission's proposals were modified in part and the integral multiple was increased in the case of Andhra from 6 to 7 and of Travancore-Cochin from 8 to 9. Accordingly, the number of seats assigned to the Legislative Assemblies of these two States was increased respectively from 168 to 196 and 104 to 117.

It was brought to the notice of the Delimitation Commission that the published census figures of the population of the scheduled castes in the States of Hyderabad and Saurashtra were inaccurate as a result of some mistakes which had occurred in the classification of some of these castes and that the State Governments had undertaken, in consultation with the Registrar General of India, a review of those figures. The Commission was requested to defer, pending such review, the determination of the number of seats to be reserved for the scheduled castes in these two States. Accordingly, these numbers were left to be determined by a subsequent final order. These numbers were eventually determined by the Commission by its Final Order No. 3, dated the 13th November, 1953, after the revised figures had been made available to it.

The Commission's Final Order relating to numbers had to be twice amended by the Commission itself, once to give effect to the provisions of the Himachal Pradesh and Bilaspur (New State) Act, 1954, (Act 32 of 1954), and again to re-determine

Amendments
to the Final Order
of the Delimitation Commission

the number of seats to be reserved for the Scheduled Castes in the Legislative Assemblies of Uttar Pradesh and of Rajasthan in view of their revised population figures having been determined and published by the Deputy Registrar General of India. In fact, this latter correction was made as late as May, 1955 and this was responsible for considerable delay in the completion of the labours of the Delimitation Commission.

The Commission's Final Order No. 1 had to be revised again because of yet another revision of the figures of population of the scheduled castes and the scheduled tribes by the Registrar General. This revision affected the number of seats reserved for the scheduled castes in the House of the People in the State of Andhra—where the figure was reduced from 4 to 3—and in the Legislative Assemblies of Andhra, Bihar, Madras and Mysore to the following extent:—

Andhra—reduced from 26 to 24.

Bihar—increased from 41 to 42.

Madras—increased from 39 to 40.

Mysore—reduced from 21 to 20.

The details of the number of seats as finally allotted to each State by the Delimitation Commission in respect of the House of the People and the Legislative Assembly of the State as also the number of such seats reserved for the Scheduled Castes and the Scheduled Tribes will appear from the following table :—

TABLE
HOUSE OF THE PEOPLE

Name of the State	Total number of seats	Number of seats reserved for	
		Scheduled Castes	Scheduled Tribes
(1)	(2)	(3)	(4)
<i>Part A States.</i>			
1. Andhra	28	3	1
2. Assam	12	1	2
3. Bihar	55	7	6
4. Bombay	49	4	5
5. Madhya Pradesh	29	4	3
6. Madras	49	8	Nil
7. Orissa	20	4	4
8. Punjab	17	3	Nil
9. Uttar Pradesh	86	16	Nil
10. West Bengal	34	6	2
<i>Part B States.</i>			
1. Hyderabad	25	4	Nil
2. Jammu and Kashmir	6	Nil	Nil
3. Madhya Bharat	11	2	1
4. Mysore	13	2	Nil
5. Patiala and East Punjab States Union.	5	1	Nil
6. Rajasthan	21	2	Nil
7. Saurashtra.	6	Nil	Nil
8. Travancore-Cochin	13	1	Nil

TABLE
HOUSE OF THE PEOPLE

Name of the State	Total number of seats	Number of seats reserved for	
		Scheduled Castes	Scheduled Tribes
(1)	(2)	(3)	(4)
<i>Part C States.</i>			
1. Ajmer	1	Nil	Nil
2. Bhopal	2	Nil	Nil
3. Coorg	1	Nil	Nil
4. Delhi	3	Nil	Nil
5. Himachal Pradesh	2	Nil	Nil
6. Kutch	2	Nil	Nil
7. Manipur	2	Nil	1
8. Tripura	2	Nil	1
9. Vindhya Pradesh	5	1	1

TABLE
LEGISLATIVE ASSEMBLY

(1)	(2)	(3)	(4)
<i>Part A States.</i>			
1. Andhra	196	24	5
2. Assam	108	5	9
3. Bihar	330	42	33
4. Bombay	294	25	27
5. Madhya Pradesh	232	32	27
6. Madras	245	40	1
7. Orissa	140	25	28
8. Punjab	119	22	Nil
9. Uttar Pradesh	430	81	Nil
10. West Bengal	238	45	11
<i>Part B States.</i>			
1. Hyderabad	175	29	3
2. Madhya Bharat	99	16	13
3. Mysore	117	20	Nil
4. Patiala and East Punjab States Union	60	12	Nil
5. Rajasthan	168	17	3
6. Saurashtra	60	4	1
7. Travancore-Cochin	117	11	Nil

In the detailed distribution of these seats to territorial constituencies and in delimiting the constituencies, the Delimitation Commission decided that it would be most convenient if the seats were first distributed district by district, as the district was the most important administrative unit in every State. In view of the fact that every Parliamentary constituency would invariably comprise an integral number of Assembly constituencies, the Commission also felt that it would be more convenient to delimit the Assembly constituencies first and to delimit the Parliamentary constituencies thereafter by grouping together the requisite number of Assembly constituencies. For the sake of convenience on administrative and practical grounds, the Commission further decided that as far as practicable, every district should be allotted an integral number of seats. This number was determined by dividing the total population of the district by

Delimitation of
Constituencies.

the total population of the State and thereafter multiplying the quotient by the total number of seats assigned to the Legislative Assembly of the State. The result thus obtained mostly included a fraction. If the fraction exceeded .5, the number of seats allotted to the district was obtained by rounding off the result to the next higher integer, while any fraction less than .5 was ignored. In case the application of this principle came to yield a larger number of seats than the total allotted to the State as a whole, as many fractions higher than .5 were ignored as would make the total number of seats to be allotted to all the districts identical with the total for the State as a whole. On the other hand, whenever this principle yielded a smaller number of seats, as many fractions smaller than .5 were rounded off to the next higher integer as were necessary to achieve the desired total. In ignoring or rounding off fractions, the higher fraction was as a general rule given preference over a smaller fraction for the purpose of rounding off to the next higher integer.

In actual practice it was sometimes found difficult to apply this principle in the case of very small districts in some States. It appeared that if a fraction was to be rounded off in such a case to the next higher integer, the few constituencies in the district would each come to have a population materially lower than the average for the State, whereas if the fraction was to be ignored, the population of each constituency would be much higher than the average. In such a case, the Commission adopted the expedient of taking a group of two neighbouring districts as the unit for the purpose of determining the number of seats to be allotted to that group as a whole. The district boundaries would in such a case be ignored, as necessary, for delimiting the constituencies in that group and one of the constituencies in such a group would be situate partly in one district and partly in another. Such cases were, however, very few. Out of 310 districts in the Union, only 24 districts had to be grouped in pairs for this purpose.

After the number of seats to be allotted to each district (or each group of districts) was thus determined, further division of the district (or the group of districts) into individual constituencies did not prove very difficult. The law requires administrative units to be kept in tact as far as possible. This was invariably done, but whenever it became unavoidable to combine a part of one such unit with a part of another unit, care was taken that such combination took place only at one point between two adjacent and compact areas, one from each unit.

Reservation of seats
for the Scheduled
Castes and the
Scheduled Tribes.

The distribution of seats reserved for the scheduled castes and the scheduled tribes to territorial constituencies, however, presented considerable difficulty. While everyone expressed an

anxiety that the scheduled castes and the scheduled tribes should get their full quota of reserved seats, very rarely indeed would anybody (unless he himself belonged to any of these castes or tribes) agree to any seat being reserved for them in a constituency in which he was personally interested. The seats to be reserved for the scheduled castes and the scheduled tribes were at first provisionally worked out by the Commission for each district, the number of seats, if any, which ought to be reserved in each district on a strictly arithmetical basis being ascertained by dividing the population of the scheduled castes or the scheduled tribes in the district by the total population of such castes or tribes in the State as a whole and then multiplying the quotient by the total number of seats to be reserved in the State for such castes or tribes.

The law requires however, that the seats for the scheduled castes should be distributed in different areas of the State. In order to achieve such distribution, the strictly arithmetical result had to be departed from in several States and the district which was most deserving in this respect was allotted a seat reserved for the scheduled castes if it was situated in a region which would otherwise have gone unrepresented or under-represented in respect of seats reserved for scheduled castes. This would be done at the expense of some other district in an "over-represented" region of the State although it would have been entitled to that reserved seat on the basis of strict arithmetical calculations alone. Within a district, a seat to be reserved for the scheduled castes or the scheduled tribes was allotted to the constituency where the concentration of such castes or tribes was the highest. Sometimes, however, this principle too had to be departed from in order that the seats reserved for the scheduled castes might be distributed as far as possible in different areas of the district.

In regard to the seats reserved for the scheduled tribes also, a few exceptions had to be made to the strictly arithmetical principle of distribution of reserved seats. The total population of the scheduled tribes thinly scattered over a large district like the 24-Parganas in West Bengal and Puri in Orissa *prima-facie* appeared to entitle each of these districts to have a seat reserved for the tribes. In neither district, however, it was found feasible to carve out any constituency for the purpose which would have anything like a sizable tribal population in it, the incidence of the tribal population being very low all over the district. Moreover, the Commission was satisfied that the tribal population residing in these sophisticated districts had lost a good deal of their distinctive tribal way of living and they mostly consisted of industrial, agricultural or other labour. A tribal member who might be returned from any constituency

that might be formed for the purpose would inevitably be elected by an electorate the vast majority of whom would be non-tribal in composition. Accordingly, the Commission did not consider it to be conducive to the true interests of the tribal people themselves or to be a proper implementation of the true spirit of the law to reserve any seat for the scheduled tribes in either district. The seat in question in either case was therefore, shifted to a constituency in some other district where the concentration of the tribal population was considerably higher than what could be obtained in any constituency in 24-Parganas or Puri.

The law provides that wherever practicable the seats to be reserved for the scheduled castes or the scheduled tribes should be reserved in single-member constituencies. The Commission considered it inappropriate to reserve any such seat in a single-member constituency unless the population of such castes or tribes in the constituency constituted more than 50% of the total population of the constituency. It was, however, found feasible to form a large number of single-member constituencies reserved for the scheduled tribes in Assam, Bihar, Madhya Pradesh, Orissa and Rajasthan, as the percentage of the tribal population in these constituencies was 50% or more. The number of seats reserved for the scheduled tribes in single-member constituencies in the different legislative bodies is as follows :—

TABLE
HOUSE OF THE PEOPLE

Name of the State or Union Territory	No. of seats reserved for Scheduled Tribes in single-member constituencies
Andhra Pradesh	Nil
Assam	1
Bihar	4
Bombay	4
Kerala	Nil
Madhya Pradesh	3
Madras	Nil
Mysore	Nil
Orissa	2
Punjab	Nil
Rajasthan	1
Uttar Pradesh	Nil
West Bengal	Nil
Delhi	Nil
Himachal Pradesh	Nil
Manipur	1
Tripura	Nil
Total	16

LEGISLATIVE ASSEMBLIES

Andhra Pradesh	..	..	2
Assam	..	..	17
Bihar	..	..	18
Bombay	..	..	17
Kerala	..	..	Nil
Madhya Pradesh	..	..	27
Madras	..	..	Nil
Mysore	..	..	Nil
Orissa	15
Punjab	Nil
Rajasthan	8
Uttar Pradesh	Nil
West Bengal	Nil

Total	..	104
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As far as the scheduled castes are concerned, they are hardly ever thickly enough concentrated in most parts of the Union and it was not found possible to reserve any seats for them in single-member constituencies except in West Bengal. In three single-member Assembly constituencies in West Bengal, however, the population of the scheduled castes was found to constitute more than 50% of the total population. These were Mainaguri and Mathabhanga in Jalpaiguri District and Sandeshkhali in the 24 Parganas District. In each of these constituencies, therefore, the seat was reserved for the scheduled castes.

In all other cases throughout the Union, the reservation of seats for the scheduled castes had to be made in two-member constituencies.

The law permitted the formation, if necessary, of two three-member constituencies, one in West Bengal and another in Bombay. The Commission did not find it necessary to continue any of them. No three-member constituency was formed accordingly.

The following table gives the total number of constituencies, the number of single-member constituencies, the total number of single-member constituencies reserved for the scheduled castes or the scheduled tribes, as also the total number of two-member constituencies in which a seat was reserved for the scheduled castes or the scheduled tribes.

TABLE
HOUSE OF THE PEOPLE

Sl. No.	Name of the State	Total No. of seats	CONSTITUENCIES				
			Total No.	Two member	Total	Single-member	
						Un-reserved	Reserved
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<i>I Part A States</i>							
1.	Andhra ..	28	24	4	20	20	Nil
2.	Assam ..	12	10	2	8	7	1
3.	Bihar ..	55	4	9	37	33	4
4.	Bombay ..	49	41	8	33	32	1
5.	Madhya Pradesh	29	24	5	19	17	2
6.	Madras ..	49	41	8	33	33	Nil
7.	Orissa ..	20	14	6	8	6	2
8.	Punjab ..	17	14	3	11	11	Nil
9.	Uttar Pradesh	86	70	16	54	54	Nil
10.	West Bengal ..	34	26	*7	19	19	Nil
<i>II Part B States</i>							
11.	Hyderabad ..	25	21	4	17	17	Nil
12.	Madhya Bharat	11	9	2	7	6	1
13.	Mysore ..	13	11	2	9	9	Nil
14.	PEPSU ..	5	4	1	3	3	Nil
15.	Rajasthan ..	21	19	2	17	17	Nil
16.	Saurashtra ..	6	6	Nil	6	6	Nil
17.	Travancore-Cochin ..	13	12	1	11	11	Nil
<i>III Part C States</i>							
18.	Ajmer ..	1	1	Nil	1	1	Nil
19.	Bhopal ..	2	2	Nil	2	2	Nil
20.	Coorg ..	1	1	Nil	1	1	Nil
21.	Delhi ..	3	3	Nil	3	3	Nil*
22.	Himachal Pradesh	2	2	Nil	2	2	Nil
23.	Kutch ..	2	2	Nil	2	2	Nil
24.	Manipur ..	2	2	Nil	2	2	Nil
25.	Tripura ..	2	1	1	Nil	Nil	Nil
26.	Vindhya Pradesh	5	3	2	1	1	Nil
TOTAL ..		493	409	83	326	315	11

(1) NO seat reserved for the scheduled castes in single-member constituency.

(2) *One is a three-member constituency.

TABLE
LEGISLATIVE ASSEMBLIES

Sl. No.	Name of the State	Total No. of seats	CONSTITUENCIES				
			Total	Two Member	Single member	Single member un-reserved	Single member reserved
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<i>I Part A States</i>							
1.	Andhra	196	169	27	142	140	2
2.	Assam ..	108	94	14	80	63	17
3.	Bihar ..	330	273	57	216	198	18
4.	Bombay ..	294	258	36	222	206	16
5.	Madhya Pradesh	232	187	45	142	128	14
6.	Madras ..	245	204	41	163	163	Nil
7.	Orissa ..	140	102	38	64	49	15
8.	Punjab ..	119	97	22	75	75	Nil
9.	Uttar Pradesh	430	349	81	268	268	Nil
10.	West Bengal ..	238	184	54	130	128	*2
<i>II Part B States</i>							
11.	Hyderabad ..	175	143	32	111	111	Nil
12.	Madhya Bharat	99	80	19	61	51	10
13.	Mysore ..	117	97	20	77	77	Nil
14.	PEPSU ..	60	48	12	36	36	Nil
15.	Rajasthan ..	168	149	19	130	129	1
16.	Saurashtra ..	60	55	5	50	50	Nil
17.	Travancore-Cochin ..	117	106	11	95	95	Nil
<i>III Part C States</i>							
18.	Ajmer ..	30	24	6	18	18	Nil
19.	Bhopal ..	30	23	7	16	16	Nil
20.	Coorg ..	24	18	6	12	12	Nil
21.	Delhi ..	48	42	6	36	36	Nil
22.	Himachal Pradesh	41	32	9	23	23	Nil
23.	Vindhya Pradesh	60	50	10	40	40	Nil
TOTAL		3,361	2,784	577	2,207	2,110	97

*Two seats reserved for the scheduled castes.

NOTE: Except in the case of West Bengal the seats are reserved for the scheduled tribes.

The proposals of the Delimitation Commission in respect of the distribution of the seats allotted to the various States of the House of the People and of the seats assigned to the Legislative Assembly of each State to territorial constituencies and the delimitation thereof were published by the Commission from time to time in the form of draft proposals and objections and suggestions were invited. All objections and suggestions received by it were considered at public sittings held at different places within the State concerned. Oral representations were also allowed to be made at the public sittings. The Associate Members were invited to these public sittings and were further consulted thereafter. Constituencies were finally delimited by the Commission after reconsidering the proposals in the light of the objections, suggestions and representations received and the

advice tendered by the Associate Members. The final decisions of the Commission in respect of each State were contained in a final order which was published in the Gazette of India and in the Official Gazette of the State.

The Commission had to advert to the need for urgent delimitation in Patiala and East Punjab States Union and Travancore-Cochin where the Assemblies had been dissolved and the States were being administered by the President under article 356 of the Constitution. The urgency arose from the consideration that no election could be held to constitute a new Assembly in either State until the constituencies in the State had been freshly delimited. The delimitation of the constituencies in Patiala and East Punjab States Union was made by the Commission's final order No. 2, dated the 15th September, 1953 and in the case of Travancore-Cochin by its final order No. 4, dated the 30th November, 1953. Another urgent case was that of the newly formed State of Andhra. By its final order No. 19, dated the 4th October, 1954, the Delimitation Commission delimited the constituencies of that State.

Revision of the
Scheduled Castes
population figures.

At the time of the Census enumeration in 1951, only persons who had declared themselves as belonging to any one of the scheduled castes or tribes specified in the Constitution (Scheduled Castes) Order, 1950, or, the Constitution (Scheduled Tribes) Order, 1950, as the case may be, were taken into account in computing the total population of those castes and tribes. Persons who had described themselves by a generic term such as Harijans, Scheduled Castes or Depressed Class or by recognised synonyms such as Pulacheruman, Eralan, Kudan etc., in Madras, were not included for the purpose of such computation. Consequently, many persons really belonging to the scheduled castes who had described themselves by such generic or synonymous terms had been left out of the count. These facts were brought to the notice of the Government of India which decided eventually that persons who had described themselves by generic or synonymous terms but were in fact members of the scheduled castes should also be included in computing the total population of scheduled castes and that the Census Tables already published should be revised, where necessary, to show the correct population figures.

It was also decided that the number of seats already reserved for these castes in the various Legislatures should be redetermined if the revised population figures rendered it necessary. The Delimitation Commission Act was accordingly amended by the insertion of a new Section 9A which ran as follows :—

Amendment of the
Delimitation Com-
mission Act, 1952.

“9A. Redetermination of seats for scheduled castes or Scheduled Tribes on correction of census figures.—(1) If at any

time before the first day of January, 1956, the census figures pertaining to the population of the Scheduled Castes or Scheduled Tribes of any State are corrected by the competent census authority in order to rectify any mistake or omission (including any omission arising out of the exclusion of persons returned under generic names or synonyms of the names of such castes or tribes) during enumeration or tabulation and the corrections so made are duly published by that authority, then, notwithstanding anything contained in sub-section (1) of Section 9,—

(a) the said figures as so corrected shall be taken to be the latest census figures for the purposes of Section 8;

(b) the Commission shall redetermine on the basis of those figures the number of seats, if any, to be reserved for the Scheduled Castes or Scheduled Tribes in the House of the People and the Legislative Assembly of the State in accordance with the provisions of sub-section (1) of Section 8, and make any amendments that may be found necessary in its final order determining the matters referred to in that sub-section;

(c) where a final order determining in respect of the State the matters referred to in sub-section (2) of Section 8 has not been published, the Commission shall proceed with the making and publication of such final order on the basis of the number of reserved seats as redetermined under Clause (b);

(d) where a final order determining in respect of the State the matters referred to in sub-section (2) of Section 8 has been published, the Commission shall make such amendments in that order as it may find necessary for the purpose of giving proper representation to the Scheduled Castes or the Scheduled Tribes on the basis of the number of reserved seats as redetermined under Clause (b); and

(e) every order made under Clause (b), or Clause (d) amending a final order of the Commission shall be published in the Gazette of India, and on such publication that final order as so amended shall have the full force of law and shall not be called in question in any court.

Explanation.—In this sub-section, all references to the Commission shall, after the Delimitation Commission ceases to exist, be construed as references to the Election Commission.

(2) Nothing in sub-section (3) of Section 8 shall apply in respect of the redetermination of numbers under Clause (b) of sub-section (1) of this Section.

(3) As soon as may be after the publication in the Gazette of India every order made under Clause (b) or Clause (d) of sub-section (1) shall be laid before the House of the People."

It will be noticed that the explanation to Section 9A of the Delimitation Commission Act, 1952, as amended by the Delimitation Commission (Amendment) Act, 1954, provided that the Election Commission should discharge all the functions of the Delimitation Commission if any action was left to be done after the latter Commission had ceased to exist. In order to arrive at the correct figures of scheduled castes population, a fresh sorting of the 1951 Census slips was done in the affected States of Andhra, Bihar, Madras and Mysore.

The revised scheduled castes population figures in respect of the above States were published by the competent census authority in December, 1955, by which time the Delimitation Commission had completed its labour and dissolved itself. The Election Commission had accordingly to re-determine the number of seats to be reserved for the scheduled castes in Parliament and the Legislative Assemblies and to make necessary amendments in the final orders of the Delimitation Commission accordingly. In doing so, the Election Commission took particular care to ensure that, as far as possible, the delimitation already made by the former Delimitation Commission was least disturbed. The changes that had to be made were confined mostly to the districts affected by changes in the number of seats reserved for the scheduled castes according to the revised population figures of those castes.

Amendment of
the Delimitation
Commission's
Final Order No. 1

The Election Commission's Final Order No. 31, which determined the revised number of seats reserved for the scheduled castes in the affected States was published in the Gazette of India Extraordinary, dated the 14th February, 1956. So far as the House of the People was concerned, no State except Andhra was affected where the number of seats reserved for the scheduled castes was reduced from four to three. The total number of seats reserved for the scheduled castes in the Legislative Assemblies of Andhra, Bihar, Madras and Mysore were revised as follows :—

Andhra—from 26 to 24.

Bihar—from 41 to 42.

Madras—from 39 to 40.

Mysore—from 21 to 20.

In the case of the Legislative Assemblies the position was that while the number of seats reserved for the scheduled castes in Andhra and Mysore was reduced by two seats and one seat respectively, the number was increased by one each in Bihar and Madras.

Extent of the
amendment.

Although the revision of the scheduled castes population figures resulted in the net increase or reduction of one or two seats only in a Legislature, it often disturbed the distribution of scheduled castes seats in a number of districts because of the

relative changes in the population of the scheduled castes in these districts as a result of the fresh enumeration.

The adjustments in the delimitation of constituencies in the affected States were effected in the following manner. In the State of Andhra a two-member Parliamentary constituency in Anantapur District was split into two single member constituencies in which no seat was reserved for the scheduled castes. The reduction of two scheduled castes seats in the Legislative Assembly of that State was effected by necessary adjustments in West Godavari, Anantapur and Kurnool districts. In Bihar, the increase of one scheduled castes seat in the Assembly was achieved by the reallocation of seats in the Districts of Muzaffarpur and Darbhanga. A consequential change was the shifting of a scheduled castes seat from Hajipur to Rosera Parliamentary constituency. In Madras, the increase of one scheduled castes seat in the Legislative Assembly was effected by delimiting afresh a few Assembly constituencies in the Districts of North Arcot, Salem, Tanjore and Ramanathapuram. In the case of Mysore, one seat was reduced by recasting the delimitation of the Assembly constituencies in Bellary District where the number of seats reserved for the scheduled castes was reduced by one.

The procedure followed by the Election Commission in making these amendments was that laid down in Section 9A of the Delimitation Commission Act, 1952. Its proposals were published in consultation with such of the Associate Members as were then available and objections and suggestions were called for from the public. Such objections and suggestions as were received were considered by the Election Commission at public sittings held at Madanapalle, Patna, Kodaikanal and Bellary in respect of the States of Andhra, Bihar, Madras and Mysore respectively. The Final Orders in respect of all these States were issued thereafter, the last of the orders being the one relating to the State of Mysore (Final Order No. 35) which was published in the Gazette of India Extraordinary dated the 30th July, 1956.

Procedure adopted.

The scheme of delimitation arrived at after all these labours had again to be drastically revised in respect of large parts of the country as a result of the passing of the States Reorganisation Act, 1956, and the Bihar and West Bengal (Transfer of Territories) Act, 1956. The number of seats allotted to each State in the House of the People and the number of seats reserved therein for the scheduled castes and the scheduled tribes of the State had to be revised in respect of every State which was affected by either of these Acts. Revision had also to be undertaken of the number of seats assigned to the Legislative Assembly of each State other than Jammu and Kashmir and the number of seats therein reserved for the scheduled castes and for the scheduled tribes

Further revision of delimitation of constituencies as a result of the reorganisation of States.

by the Delimitation Commission had also to be revised in every such affected State. Although a new Delimitation Commission was to be set up by the State Reorganisation Act, these numbers were not required to be determined by that Commission. The Act itself laid down the total number of seats allotted to the territorial constituencies in each State in the House of the People as also the total number of seats to be assigned to the Legislative Assembly of each State other than Jammu and Kashmir. The number of seats to be reserved in the House of the People and in the Legislative Assembly of each State for the scheduled castes and the scheduled tribes was, however, left to be determined by the Delimitation Commission in accordance with the provisions of articles 330 and 332 of the Constitution. Such determination was of course to be made on the basis of the strength of the total population of these castes and tribes in each State as determined by the Registrar General in accordance with the new list of such castes and tribes in respect of every newly formed State.

The distribution of the seats allotted to the various States in the House of the People and of the seats assigned to the Legislative Assembly of each State affected by the reorganisation to territorial constituencies and the delimitation of these constituencies were left to the Delimitation Commission constituted under Section 43 of the States Reorganisation Act. In accordance with this section a new Delimitation Commission was constituted by the Central Government consisting of the same *members who had constituted the former Delimitation Commission set up under the Delimitation Commission Act, 1952.* The duty of this new Delimitation Commission was :—

- (a) to determine on the basis of population figures notified by the Census authority the number of seats, if any, to be reserved for the scheduled castes and the scheduled tribes of each of the States affected by the States Reorganisation Act in the House of the People and in the Legislative Assembly of the State having regard to the relevant provisions of the Constitution and the States Reorganisation Act;
- (b) to determine the Parliamentary and Assembly constituencies into which each new State shall be divided, the extent of and the number of seats, if any, to be allotted to each such constituency and the number of seats, if any, to be reserved for the scheduled castes and the scheduled tribes of the State in each such constituency; and
- (c) to revise or cancel any of the orders of the former Delimitation Commission made under Section 8 of the former Act so as to provide, having regard to

the provisions of the Constitution and of that Act, for a proper delimitation of all Parliamentary and Assembly constituencies.

For the purpose of assisting the Commission in the performance of its duties relating to every new State, 5 Associate Members were nominated by the Central Government. These members were either members of the House of the People or of the Legislative Assembly of one or other of the then existing States which went in part or in whole to form the new State. None of these Associate Members had the right to vote or to sign any decision of the Commission.

Immediately after the 1st November, 1956, the date on which the States Reorganisation Act came into force, the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Part 'C' States) Order, 1951, the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Part 'C' States) Order, 1951 were modified by the President by an order published in the Gazette of India. These amendments empowered the census authority to ascertain or estimate the population of the scheduled castes and of the scheduled tribes in the affected States of Andhra Pradesh, Bombay, Kerala, Madhya Pradesh, Madras, Mysore, Punjab and Rajasthan. These figures were notified in due course and were taken into account by the Delimitation Commission in determining the number of seats to be reserved for these castes and tribes in the House of the People and in the Legislative Assembly of each of these States. The Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956, also made some changes in the lists of scheduled castes and scheduled tribes of all the States. This Act also empowered the Delimitation Commission to redetermine the number of seats to be reserved for the scheduled castes and for the scheduled tribes as a result of these changes. The number of seats so reserved for scheduled castes and scheduled tribes in the House of the People and in the Legislative Assembly of each State as redetermined by the Delimitation Commission will appear from the following table :—

TABLE
HOUSE OF THE PEOPLE

Name of the State or Union Territory	Total No. of seats	No. of seats reserved for	
		Scheduled Castes	Scheduled Tribes
1	2	3	
Andhra Pradesh	43	6	2
Assam	12	1	2
Bihar	53	7	5
Bombay	66	7	5
Kerala	18	2	Nil

Name of the State or Union Territory	Total No. of seats	Number of seats reserved for	
		Scheduled Castes.	Scheduled Tribes.
(1)	(2)	(3)	(4)
Madhya Pradesh	36	5	7
Madras	41	7	Nil
Mysore	26	3	Nil
Orissa	20	4	4
Punjab	22	5	Nil
Rajasthan	22	3	2
Uttar Pradesh	86	18	Nil
West Bengal	36	6	2
<i>Union Territories.</i>			
Delhi	5	1	Nil
Himachal Pradesh	4	1	Nil
Manipur	2	Nil	1
Tripura	2	Nil	1
TOTAL ..	494	76	31

LEGISLATIVE ASSEMBLIES

(1)	(2)	(3)	
Andhra Pradesh	301	43	11
Assam	108	5	26
Bihar	318	40	32
Bombay	396	43	31
Kerala	126	11	1
Madhya Pradesh	288	43	54
Madras	205	37	1
Mysore	208	28	1
Orissa	140	25	29
Punjab	154	33	Nil
Rajasthan	176	28	20
Uttar Pradesh	430	89	Nil
West Bengal	252	45	15
TOTAL ..	3,102	470	221

The Delimitation Commission first determined the number of seats to be reserved for the scheduled castes and the scheduled tribes in the House of the People and in the Legislative Assembly for each State in accordance with the provisions of

sub-section 2 of Section 47 of the States Reorganisation Act, 1956, read with Section 16 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, and Section 6 of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956, and the rules made thereunder. It then distributed these seats to territorial constituencies which it delimited. The procedure required by law to be followed by the Delimitation Commission on this occasion was much more expeditious and different in some important respects from the procedure followed by the first Delimitation Commission set up by the Delimitation Commission Act, 1952. The proposals of the Commission were not required, for instance, to be published either in the Press or in the Official Gazette of the State nor were objections and suggestions invited. Copies of the Commission's tentative proposals were sent to the Associate Members for their suggestions and opinion in the case of such States for which Associate Members had been appointed by the Central Government. Nor were these proposals required to be reconsidered at any public sitting.

The draft proposals of the Commission were exhaustively discussed by it at a meeting with the Associate Members and the views expressed by them were taken into account by the Commission in arriving at its final decision. The decisions of the Commission in respect of all the States were incorporated in a formal order of the Commission entitled the "Delimitation of Parliamentary and Assembly Constituencies Order, 1956". This Order was signed by the Commission on the 19th December, 1956, and was laid before both Houses of Parliament on the 20th December, 1956.

The principles of delimitation that had been followed in the first delimitation under the Delimitation Act, 1952, were also followed on this occasion. The delimitation already made by the first Delimitation Commission was left undisturbed wherever practicable. The following table gives (a) the total number of constituencies, (b) the total number of single-member constituencies, (c) the total number of single-member constituencies reserved for the scheduled castes or the scheduled tribes and (d) the total number of two-member constituencies in which a seat has been reserved for the scheduled castes or for the scheduled tribes :—

TABLE
HOUSE OF THE PEOPLE

Name of the State or Union Territory	Total No. of seats.	Total No. of consti- tuencies	Constituencies			
			Two mem- ber	Single member		
				Total	Unre- served	Re- served
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Andhra Pradesh ..	43	35	8	27	27	Nil
Assam ..	12	10	2	8	7	1
Bihar ..	53	45	8	37	33	4
Bombay ..	66	58	8	50	46	4
Kerala ..	18	16	2	14	14	Nil
Madhya Pradesh ..	36	27	5	18	15	3
Madras ..	41	34	7	27	27	Nil
Mysore ..	26	23	3	20	20	Nil
Orissa ..	20	14	6	8	6	2
Punjab ..	22	17	5	12	12	Nil
Rajasthan ..	22	18	4	14	13	1
Uttar Pradesh ..	86	68	18	50	50	Nil
West Bengal ..	36	28	8	20	20	Nil
<i>Union Territories</i>						
Delhi ..	5	4	1	3	3	Nil
Himachal Pradesh ..	4	3	1	2	2	Nil
Manipur ..	2	2	Nil	2	1	1
Tripura ..	2	1	1	Nil	Nil	Nil
TOTAL ..	494	403	91	312	296	16

LEGISLATIVE ASSEMBLIES

Name of the State	Total No. of seats	Total No. of consti- tuencies	Constituencies			
			Two member	Single member		
				Total	Unre- served	Reser- ved
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Andhra Pradesh ..	301	249	52	197	195	2
Assam ..	108	94	14	80	63	17
Bihar ..	318	264	54	210	192	18
Bombay ..	396	339	57	282	265	17
Kerala ..	126	114	12	102	102	Nil
Madhya Pradesh ..	288	218	70	148	121	27
Madras ..	205	167	38	129	129	Nil
Mysore ..	208	179	29	150	150	Nil
Orissa ..	140	101	39	62	47	15
Punjab ..	154	121	33	88	88	Nil
Rajasthan ..	176	136	40	96	88	8
Uttar Pradesh ..	430	341	89	252	252	Nil
West Bengal ..	252	195	57	138	135	*3
TOTAL ..	3,102	2,518	584	1,934	1,827	107

*Reserved for the scheduled castes.

The Naga Hills—Tuensang Area Act, 1957, (42 of 1957), which came into force after the second general elections created a new tribal unit called the Naga Hills—Tuensang Area and increased the number of seats in the House of the People from 503 to 504 and reduced the number of seats assigned to the Legislative Assembly of Assam from 108 to 105. The additional seat created in the House of the People was to be filled by the President by nominating a person to represent the Naga Hills—Tuensang Area.

This Act also modified the Delimitation of Parliamentary and Assembly Constituencies Order, 1956, by omitting the area of the Naga Hills from the Autonomous Districts constituency (at Serial No. 37 of the First Schedule to that Order) and also by omitting the heading "Naga Hills District" and entries against Serial Nos. 16, 17 and 18 in the Second Schedule to the Order.

The history of the delimitation of constituencies since 1950 has been a long and varied one. In fact, there have been far too many occasions between 1952 and 1957 when the existing boundaries of constituencies had to be revised for some reason or other. In some instances, the revision was so extensive that all previously existing constituencies completely disappeared or were altered beyond recognition and entirely new constituencies replaced them. Such frequent revision of constituencies is disturbingly unsettling in effect and is not conducive to the setting up of correct traditions in respect of the mutual relationship between the electorate of a constituency and its elected representative. With an ever-changing electorate, the members of the Legislature cannot fully or properly discharge their responsibilities towards their constituents.

Drawbacks of frequent revision of constituencies.

During the formative period of the life of the nation and of the constituent States when the number and the boundaries of the States are in the process of getting stabilised, such frequent disturbances to the number and shape of the constituencies may be unavoidable, particularly when these are occasioned by the reorganisation of the States and their boundaries.

Now that the boundaries of the States have taken a more or less final shape and the lists of the scheduled castes and the scheduled tribes stabilised, it is eminently desirable to avoid as far as practicable any further disturbances to the existing picture so that the present constituencies which were carefully delimited on the basis of the actual population figures by an independent and impartial high-level body may not require to have their boundaries revised afresh for a considerable time to come, except only for very special and compelling reasons, e.g., the growth of large new cities and towns or large movements of population. Even when any revision of the boundaries of the

present constituencies becomes unavoidable, future delimitations should aim at leaving as many of the present constituencies undisturbed as may be practicable so that the electorate in every constituency may have a chance of developing a real community of interests and may grow up as a living political organism with an individuality of its own.

**Future delimitation
of constituencies.**

The Constitution as originally framed was careful to provide many a safeguard against any possible "gerrymandering" of constituencies and a fresh delimitation of constituencies was enjoined as a matter of routine after the population figures ascertained by each census operation had been published. In fact, far too many arithmetical safeguards were originally provided in the Constitution. A strict maximum and minimum were prescribed by the Constitution in respect of the population of every Parliamentary constituency. So also was prescribed a constitutional minimum for every Assembly constituency. These provisions soon proved unworkable in practice with the natural growth of the population and they have since had to be deleted from the Constitution. The Constitution still provides, however, by articles 81(2), 82 and 170(2) and (3) that the ratio between the population of each constituency and the number of seats allotted to it is, so far as may be practicable, the same throughout the Union or the State as the case may be. The underlying principle of these salutary provisions is very sound and must not be departed from, of course. In following the same in future delimitation of constituencies, it would be desirable, however, to avoid so far as is practicable, any undue tyranny of mere arithmetic if that proves to be intrinsically too oppressive and unreasonable by all other standards. To cite an example, Districts 'A' and 'B' in a State may have been allotted at present 9 and 11 seats respectively in the State Assembly inasmuch as, according to strict arithmetic, they were entitled by their population to 8.51 and 11.49 seats respectively. It may happen that as a result of a slightly uneven growth of the population revealed by the 1961 census, the number of seats which these districts may be arithmetically entitled to is found after that census to be 8.49 and 11.51 respectively. If the rules of arithmetic and approximation were to be followed meticulously without regard to any other considerations, the number of seats in these districts would have to be altered to 8 and 12 respectively. This would inevitably mean that the boundaries of every single Assembly constituency in either district would have to be completely redrawn. Such an alteration would also inevitably result in a considerable revision of the boundaries of the affected Parliamentary constituencies and most probably of many other Parliamentary constituencies in the State. Such wholesale revision has in fact often taken

place in the past, as the law apparently insists that arithmetical considerations were to be given precedence over everything else. Now that constituencies have been carefully delimited on the basis of actual population figures after fully consulting all interests involved, it would be far more rational and desirable if in future the law specifically permits slight variations to be ignored in the number of seats to which any district may appear to be entitled on strict arithmetical calculations. It would be clearly in the interests of the stability of the existing constituencies to leave undisturbed the number of seats in either of the districts 'A' and 'B' in the above illustration so that the boundaries of none of the constituencies need be disturbed in any way. Considerations of the balance of convenience would also support this view.

It is, therefore, a matter for serious consideration by the Parliament and the public in general as to whether the law and procedure relating to delimitation should not be so framed in the future as to discourage any such wholesale upsetting of the existing scheme of delimitation except in such rare cases where the population figures, as revealed by the latest census reports, have varied so materially since the constituencies were last delimited as to violate the spirit of the provisions of articles 81(2), 82, 170(2) and (3) of the Constitution. There must, of course, be no flagrant violation of these provisions of the Constitution enforcing the parity of representation between different areas.

A good deal of criticism is levelled from time to time against the present system of reservation of seats in the State Assemblies and in the House of the People for members of the scheduled castes and scheduled tribes. Seats have been reserved for these castes and tribes in single-member constituencies wherever this is reasonably feasible, that is, wherever the population strength of such castes or tribes exceeds 50% of the total population. As has already been mentioned, there are only three such single-member constituencies in which seats have been reserved for the scheduled castes in the West Bengal Legislative Assembly, but it was not found feasible to make such reservation in respect of any other Assembly or the House of the People. For the scheduled tribes, however, 104 single-member constituencies of different Legislative Assemblies and 16 of the House of the People have been reserved. All other seats reserved for the scheduled castes and the scheduled tribes had to be fitted into two-member constituencies. In each such constituency, one seat is reserved for the scheduled castes or tribes as the case may be.

Criticism of two-member constituencies.

Two-member constituencies are rather unpopular with candidates as also the administrative machinery and the suggestion has often been made that all reserved seats should be

provided for in single-member constituencies and that there should be no two-member constituency at all. No doubt in a two-member constituency, the candidates have to cover about double the area and canvass an electorate of about double the size as compared to a single-member constituency. This necessarily entails much heavier expenses and much greater effort on the part of the candidates. The counting of votes also proves a much more complicated task than in a single-member constituency inasmuch as all cumulative votes have to be laboriously weeded out by a thorough scrutiny of the serial numbers of all the ballot papers found in every single ballot box. Some voters may also get confused by the requirement that each of the two ballot papers that a voter receives in a two-member constituency has to be inserted into a different ballot box. The difficulties mentioned above are naturally magnified many times when the constituency in question is one for the House of the People. A two-member constituency for the House of the People cannot but be a very unwieldy one with a vast area containing about 7 to 8 lakhs of voters in the average.

There is, therefore, a good deal of force in the demand that every constituency should be a single-member one. On the other hand, there are many drawbacks in the proposal which must be borne in mind while considering it. In the first place, the population of a reserved single-member constituency in an area where the scheduled castes or tribes are not sufficiently numerous would necessarily consist of a minority of persons belonging to such castes or tribes, the vast majority belonging to other communities. In fact in most cases these castes or tribes would form less than 10% of the total population. The inevitable result of the reservation of any such constituency for the scheduled castes or tribes would be that the elements of the population which form the vast majority of the electorate in the constituency would be totally denied the right of even setting up one of their members as a candidate at any election and the law would force them to accept a member of the backward minority communities as their representative in the legislatures perhaps for all time to come. How far this would be fair or generally acceptable is a moot point. Secondly, in a two-member constituency a far larger number of electors belonging to the scheduled castes or tribes have the satisfaction of having a say in the election of a member of their own communities and the member elected has consequently a greater claim to represent these castes or tribes than would be the case in a reserved single-member constituency with a low percentage of the scheduled castes or tribes.

There can perhaps be no constitutional objection against the proposal that every reserved seat may be provided for in a

single-member constituency. The question whether this proposal should be generally adopted or not can only be answered after its pros and cons have been fully analysed and considered before the bar of public opinion.

A somewhat ingenious proposal has sometimes been made to the effect that no particular area should be permanently "burdened" with a seat reserved for the scheduled castes or tribes either in a single-member or in a two-member constituency and that seats must be reserved by rotation in different areas of the State during every successive delimitation of constituencies. It is urged in support of this proposal that large sections of the scheduled castes or tribes population are permanently denied the right of choosing representatives belonging to their communities in the Legislatures merely because the percentage of their population as compared to the total population in their area may be only slightly less arithmetically than that obtaining in areas where the seats are at present reserved. Some force may appear to exist in this demand at first sight. If the principle of "rotation" of reservations were to be introduced, the scheduled castes or tribes population of the areas which have no reservations at present and the non-scheduled sections of the population of the areas which are now "burdened" with reservation of seats would perhaps both welcome it. The rest of the population would undoubtedly stubbornly oppose any such principle of rotation for obvious reasons. The question of personalities is also bound to play a big back-ground role in any such controversy. Members at present elected to reserved seats from particular constituencies cannot be expected to accept the principle of rotation under any circumstances. The Commission also feels that the proposal does mere lip-service to the principle of reservation of seats for the scheduled castes and tribes and that the real purpose of such reservations would be largely defeated if the proposal be adopted. The Commission would not, therefore, recommend any such principle for adoption. Two-member constituencies should continue in its opinion until such time that the system of reservation of seats itself, which is temporary according to the Constitution, can be done away with.

Proposal
rotation
reservation.

for
of

CHAPTER VIII

TRAINING OF THE ELECTION OFFICERS

The successful conduct of an election depends to a large extent on the officers who are immediately in charge of the polling arrangements. These are the Returning Officers, the Presiding Officers and the Polling Officers. Steps were accordingly taken well before the general elections for training them adequately for the successful performance of their duties. During such training, their attention was particularly drawn to the amendments in the law and procedure which had been made shortly before the elections.

In October, 1956, the Commission held a series of polling rehearsals in every State to initiate such training. A revised exhaustive and up-to-date set of statutory directions under the Representation of the People Act, 1951, and the Rules made thereunder were issued by the Commission in supersession of all previous directions for the guidance and convenience of the Returning Officers, Presiding Officers and Polling Officers.

Pilot rehearsals.

The campaign of rehearsals opened with a pilot polling rehearsal held at Agra on the 21st November, 1956. This was attended by the Chief Election Commissioner, the Deputy Election Commissioners and the Chief Electoral Officers of Uttar Pradesh and the neighbouring States, namely, Rajasthan, Punjab and Delhi as also by a large number of other officers of Uttar Pradesh. The correct procedure to be followed at a polling station was demonstrated and explained to the officers present. In particular, the correct method of closing and sealing of ballot boxes was demonstrated and the importance of taking meticulous care in this regard was stressed. It was also emphasised that once a ballot box had been properly closed and sealed, it was invulnerable. The need and importance of demonstrating the invulnerability of the ballot boxes to the political parties, the candidates and the general public were also emphasised. The officers were directed to take up the challenge of any person who alleged that a ballot box was vulnerable and to require him to demonstrate that a ballot box could be tampered with without leaving evidence of such tampering.

Similar pilot polling rehearsals were held in other parts of the country, namely, at Calcutta, Nagpur and Bangalore where the Chief Electoral Officers of the neighbouring States were invited. The Chief Election Commissioner was present at each of these rehearsals. The Chief Electoral Officers thereafter arranged for polling rehearsals at different centres in their respective States for training the officers in the Districts.

An intensive programme of rehearsals was thereafter carried out in every State so as to cover every District including the urban and rural areas. During these polling rehearsals all District Magistrates, District Election Officers, Sub-Divisional Magistrates and other Officers who were later to be appointed as Returning Officers and Assistant Returning Officers, as well as other officers who would have to serve as Presiding and Polling Officers were adequately trained in the mechanics and procedure for conducting the poll on the correct lines. The following matters were specially attended to during these rehearsals :—

Subsequent rehearsals.

- (a) familiarity of the officers with the ballot box and its mechanism;
- (b) checking ballot boxes for mechanical defects and the remedy for any such defect;
- (c) the correct method of operating the ballot box, particularly closing and sealing it before and after the poll so as to make it tamper-proof;
- (d) the normal lay-out of a polling station which might be located in (i) a building, (ii) the open air or (iii) a temporary structure.

The State Governments were also requested to ensure that :—

- (a) every officer likely to be employed on polling duty attended at least four rehearsals before the actual poll;
- (b) every prospective presiding officer acted as the presiding officer at one or more rehearsals;
- (c) every such officer made himself familiar with the duties and responsibilities of a presiding officer under the Act and the Rules, and
- (d) a proper and meticulous account was kept of ballot papers and paper seals at the poll.

The Commission directed that one or more polling rehearsals should be held in every constituency. The Commission further directed that whenever a polling rehearsal was held in any area, the local representatives of all recognised and unrecognised political parties, as also all actual or prospective candidates, should be specially invited to attend the rehearsal and that the safeguards adopted by the Commission to ensure the secrecy of the ballot and the invulnerability of the ballot box were fully explained and demonstrated to them during these rehearsals.

The Chief Electoral Officers trained a sufficient number of officers from each district under their personal supervision. These officers were thereafter required to hold polling rehearsals in different areas of their own districts in order to train up other officers posted in those areas who were eventually to be employed

for conducting the poll. At these polling rehearsals, the local representatives of all political parties were also invited. The general public were also encouraged to attend the rehearsals so that the voters as well as all intending candidates and their agents and workers might become familiar with the correct polling procedure.

At least one polling rehearsal was required to be held in each constituency soon after the last day for filing nomination papers and all candidates who had filed nomination papers were specially invited to attend such rehearsals.

Hand books for
Returning
Officers and Presi-
ding Officers.

Exhaustive Hand Books for the guidance of Returning Officers and Presiding Officers were prepared by the Commission and supplied to the officers so that they might have clear and authoritative guidance regarding the law and the procedure, as also their duties and responsibilities in the impending elections.

Documentary
Films.

Short films were made with a view to impart visual instructions to the officers on the correct method of handling, closing and sealing various types of ballot boxes. These films were exhibited at suitable centres in each district for the benefit of the polling personnel. In addition to this, a film entitled "It's Your Vote" was prepared and exhibited all over the country in the four thousand and odd cinema halls for bringing home to the electorate their duties and responsibilities as voters. The Chief Electoral Officers were supplied with copies of this film and these were exhibited even in the remotest villages of each district by means of mobile publicity vans. Different versions of this film were prepared in all the thirteen main languages of the country, namely, Hindi, English, Tamil, Telugu, Bengali, Marathi, Gujarati, Malayalam, Kanarese, Punjabi, Oriya, Assamese and Kashmiri. It was possible through this film to reach the vast bulk of the electorate many of whom could not otherwise have been reached by actual polling rehearsals.

In every State the public evinced keen interest in these rehearsals and attendance at these was gratifyingly large.

As a result of this intensive programme of training, far fewer mistakes were committed by the election officers during the second general elections as compared to the first.

Future election
rehearsals.

The experience gained in the last two general elections has demonstrated that it is imperative to give the Presiding and other Election Officers intensive training in the conduct of the poll by means of polling rehearsals and otherwise in order that the poll may be smoothly and efficiently conducted.

CHAPTER IX

SYMBOLS

The system of allotting a different election symbol to each candidate in a constituency and placing a separate ballot box marked with his symbol in the polling compartment was adopted successfully in the first general elections and it enabled the illiterate section of the voters who formed over 83 per cent of the total electorate to vote intelligently and in perfect secrecy in favour of the candidates of their choice. The percentage of literacy not having materially improved since the first general elections, the system of symbols was continued for the second general elections by universal agreement. It would still be impossible for the vast majority of voters by reason of their illiteracy to mark their votes on ballot papers printed as in other countries with the names of the candidates printed on them. The secrecy of the ballot would have largely suffered if every illiterate voter were to be assisted by the polling staff in marking his vote on such a ballot paper. It would have been too vital a sacrifice to have given up the principle of the secret ballot merely for the sake of simplifying the voting procedure. System of symbols.

Every candidate is allotted an easily recognisable symbol which is clearly distinguishable from the symbols allotted to the other candidates in the constituency. At every polling station, a separate ballot box is placed for each candidate and a label is pasted on the ballot box bearing a pictorial representation of the symbol allotted to him. This box along with the ballot boxes similarly earmarked for the other candidates in the constituency are placed in a screened polling compartment. A voter enters the polling compartment with his ballot paper and is required to insert it in secret into the ballot box which bears the symbol of the candidate of his choice. He is not required to make any mark whatsoever on the ballot paper.

Although this system of symbols succeeded remarkably in achieving its limited objectives, there is no gainsaying the fact that intrinsically it involves a cumbrous procedure with a number of ballot boxes to handle at every polling station. The problem of supply and transport of over two million of these ballot boxes and the task of storing and keeping them in good repairs and mechanically sound between elections have proved a heavy administrative burden on the election officials in every State. A more serious drawback which has been experienced in connection with the system of symbols is the unreason- Drawbacks of the symbol system.

able suspicion that it seems to excite indirectly in the minds of some candidates and political parties about the tamperability of the ballot boxes. Although no person has succeeded in demonstrating that any ballot box properly closed and sealed can be tampered with without leaving obvious evidence of such tampering, it has been the Commission's unfortunate experience that on the eve of each of the two general elections, rumours have been circulated in some part of the country or other to the effect that the ballot boxes can be tampered with and ballot papers transferred from one ballot box into another without leaving a trace thereof. The fact that the ballot papers are not marked in favour of particular candidates under this system and the belief that votes can in theory (though not in actual practice) be transferred from one candidate to another by transferring ballot papers from one ballot box to another if all evidence of such transfer can be removed seem to be the only considerations from which such suspicion springs. The Election Commission has, therefore, had under consideration for some time the idea of substituting the present system of symbols by a modified system which would avoid these drawbacks. The latter system has been described in full later in this chapter.

Yet another criticism levelled against the present system of voting is that it is possible for a dishonest voter to abstain from inserting his ballot paper into any ballot box inside the polling compartment and to carry it out of the polling station surreptitiously. It has been sometimes alleged that ballot papers smuggled out of a polling station in this fashion were made over to unscrupulous agents of some candidates for a consideration. There seems to be a certain amount of truth in this allegation in respect of some urban and even some rural areas although the extent of the evil has perhaps been exaggerated in many cases. All the same, notice must be taken of the existence of this evil and a remedy must be found for it.

Proposal for
changing the
system.

In November, 1956, the Commission discussed with the all-India political parties whether any change could or should be made in the system of symbols for the second general elections and whether the "normal" system in which every voter marks his vote on the ballot paper itself could be adopted. Three out of four National Parties were of the view that no change should be made in the system of voting until the second general elections were over and that the normal or "marking" system of voting might be tried in the bye-elections which would be held subsequent to the general elections. One of the National Parties, viz., the Praja Socialist Party expressed themselves in favour of the immediate adoption of the marking system. In view of the volume of the opposition to any immediate change,

the Commission decided to make no change in the system of voting until after the second general elections. The "symbol" system of voting was accordingly continued without any change during the second general elections as well. The Commission, however, decided to introduce the marking system of voting in all bye-elections as soon as this was practicable. Soon after the completion of the second general elections, the Commission worked out a practicable scheme for the implementation of its decision to introduce the marking system of voting. The Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, has been suitably amended for the purpose. 28 bye-elections have already been successfully held under the marking system of voting, 26 for electing one member and 2 for electing two members, while one bye-election has been held in a Parliamentary Constituency to elect one member.

According to the "marking" system, the ballot paper bears on it the serial numbers, names, party affiliations and pictorial representations of the symbols of all the contesting candidates. No ballot box is placed inside a polling compartment. Two or more polling compartments are provided. The voter enters one of the compartments with his ballot paper and is provided with an inked rubber stamp with which he secretly makes an impression on or near the symbol of the candidate of his choice. He then folds the ballot paper so as to conceal his vote and comes out of the polling compartment. Only one ballot box is used—common for all candidates. It is kept near the Presiding Officer within the view of the polling agents and all other persons inside the polling station. The voter is required to insert the folded ballot paper into the ballot box within everybody's view and then leave the polling station.

The new or
marking system.

Under this system, no suspicion or risk of any ballot paper being transferred from one ballot box to another can exist as there is only one ballot box common for all candidates. Nor can any voter conceal his ballot paper and take it out of the polling station surreptitiously with the purpose of handing it over to any candidate's agent. In fact, in no bye-election that has been held under the new system has there been any allegation that any ballot boxes have been tampered with or that there has been any sale of ballot papers smuggled out of a polling station. The marking system of voting thus avoids all the drawbacks of the symbol system and is in fact a combination of the symbol system with the normal system of voting as adopted in all countries advanced in literacy. The symbols are still retained for the convenience of the illiterate voters but are displayed on the ballot papers instead of the ballot boxes.

Approved sym-
bols.

After the reorganisation of the States on the 1st November, 1956, in supersession of all previous lists, the Election Commission issued a list of the following approved symbols for use in the second general elections:—

1. Two bullocks with Yoke on.
2. Hut.
3. Ears of corn and a Sickle.
4. Lamp (Deepa).
5. Standing lion.
6. Human hand.
7. Horse and Rider.
8. Rising sun.
9. Elephant.
10. Spade and Stoker.
11. Flaming torch (Mashal).
12. A Cultivator winnowing grain.
13. Cycle.
14. Cart.
15. Pitcher.
16. Ladder.
17. Cock.
18. Bow and Arrow.
19. Tree.
20. Star.
21. Boat.
22. Flower.
23. Scales.
24. Camel.
25. A Twig with two leaves.

In the general elections of 1951-52, the approved symbols were 26 in number and included the above symbols as also an additional symbol "Railway engine". It had been represented to the Commission that the rural population in some remote undeveloped areas were not familiar with a railway engine and they could not, therefore, easily recognize it. This symbol was accordingly not included in the approved list for the second general elections.

Reservation of
symbols for recog-
nised parties.

The system of recognition of individual political parties for the purpose of reservation of the same symbol for all the candidates of each such recognised party was continued and worked satisfactorily.

The Commission received requests for recognition from a number of unrecognised or newly formed political parties. If the political parties which had already applied for recognition for the purpose of reservation of symbols for their candidates and which were likely to apply in future for such recognition were to be recognised for the mere asking, their number could not but be very large. Accordingly, the Commission considers it wholly impracticable to accede to every such request. The yard-stick that the Commission has adopted in deciding the merits of a request made by a political party for the reservation of the same symbol for all its candidates at elections is that its candidates must have polled a total of at least 3 per cent of the valid votes polled in the general elections last held. For this purpose votes polled in Parliamentary elections are taken into account in respect of parties which apply for recognition as all-India or national parties, while votes polled in the State Assembly elections are considered in respect of parties which apply for recognition as State Parties. The question of the recognition of a political party which had applied for such recognition during the second general elections had naturally to be deferred till the completion of these elections as it was not possible to ascertain until then whether the party had the necessary minimum electoral support in the country or in the particular State, as the case may be. The Election Commission has so far adopted a rather low percentage of 3 per cent of valid votes as the minimum standard for the recognition of a party. This standard has not been revised yet. The Commission does not consider it reasonable to reduce the standard any further. During the second general elections, a tendency was noticed on the part of some parties, however, to sponsor candidates indiscriminately even in constituencies where such candidates had no remote prospect of success and, in fact, even forfeited their deposits eventually. There are reasons to believe that this was done so that these parties might somehow or other poll the minimum of 3 per cent of the valid votes and thus qualify for recognition. The Commission considers this to be an undesirable development which should be discouraged. It has been decided, therefore, that the votes polled by those candidates of a party who have forfeited their deposits will be ignored while calculating the percentage of valid vote scored by the party.

Recognition of other political parties.

Immediately after the reorganisation of the States in 1956, the Election Commission revised the list of recognised State parties in terms of the States as constituted after reorganisation. The position remained the same of course so far as all-India or National Parties were concerned and the four recognised National Parties, namely, the Indian National Congress, the Praja Socialist Party, the Communist Party of India and the Bhartiya

State Parties recognised in the re-organised States.

Jan Sangh continued to be recognised and the same symbols continued to be reserved for them even after the reorganisation of the States. So far as the State Parties were concerned, the Commission felt that any Party which had recognition in a previously existing or "old" State should, as far as possible, be recognised in the "new" State in which the "old" State or a part thereof had been incorporated in course of the reorganisation unless the old State or the part thereof that had been incorporated in the new State formed comparatively too small or negligible a part of the latter State. In taking a decision on this question the Commission again adopted the same standard for the recognition of a party, namely, a minimum of 3 per cent of the total valid votes polled in the area covered by the new State at the last general elections.

In some cases, the previously recognised party had ceased to exist as a separate political party. In some other cases, it was not able to satisfy the Commission that it commanded the minimum standard of electoral support in the reorganised State so as to justify its continued recognition. In every such case, the recognition of the party was withdrawn and the symbol reserved for it became 'free' in the State concerned. The parties whose recognition was thus withdrawn were:—

- (1) the Saurashtra Khedut Sangh of Saurashtra (now merged in Bombay);
- (2) the Shiromani Akali Dal of Punjab, and
- (3) the Purusharthi Panchayat Party of Ajmer (now merged in the State of Rajasthan).

After reviewing the position on the above lines, the Commission decided to recognise the following parties as State Parties in each of the new States mentioned against their names, the last column specifying the symbol reserved for each of the parties.

Sl. No.	Name of the party.	State in which recognised.	Symbol reserved for the party.
(1)	(2)	(3)	
1. All India Scheduled Castes Federation.	Andhra Pradesh. Bombay. Madhya Pradesh Mysore. Punjab. Delhi. Himachal Pradesh.	Elephant.	
2. All India Forward Bloc (Marxist).	West Bengal	Standing lion.	
3. All India Ganatantra Parishad.	Orissa.	Bow and Arrow.	
4. Akhil Bharat Hindu Mahasabha.	Bombay. Madhya Pradesh. West Bengal.	Horse and Rider.	

(1)	(2)	(3)
5. Akhil Bharat Ram Raja Parishad.	Bombay Madhya Pradesh Rajasthan Uttar Pradesh	Rising sun.
6. Chhota Nagpur and Santhal Parganas Janata party.	Bihar	Cycle.
7. Jharkhand Party	Bihar	Cock.
8. Peasants' and Workers' Party	Andhra Pradesh Bihar Madhya Pradesh	Cart.
9. The Peoples' Democratic Front	Andhra Pradesh	Human hand.
10. Revolutionary Socialist Party	Kerala	Spade and Stoker.
11. Tripura Ganatantrik Sangha	Tripura	Ladder.
12. Praja Party	Andhra Pradesh	Rising sun.

All other parties which had been previously recognised thereafter ceased to be recognised for the purpose of having symbols reserved for them. Any symbol not reserved in a State for any political party by the above decision of the Election Commission became a "free" symbol for future elections in that State.

The reservation of symbols for "recognised" political parties was effected in practice by imposing the following restrictions on the choice of symbols by the candidates in their nomination papers:—

Restrictions imposed on the choice of symbols by candidates to give effect to reservation of symbols for parties.

- (1) No candidate is permitted to choose, except with the permission of the Returning Officer, any of the four approved symbols reserved for the National Parties. The Returning Officer permits only those candidates who are officially sponsored by a National Party to choose the symbol reserved for that party.
- (2) No candidate for election from a constituency within any of the States mentioned in the list below is permitted to choose, except with the permission of the Returning Officer, any of the symbols listed against the name of the State. These symbols are reserved for the parties recognised in the State and the Returning Officer permits a candidate to choose any such symbol only if he has been officially sponsored by the party for which the symbol has been reserved.

Andhra Pradesh

1. Rising sun.
2. Elephant.
3. Human hand.
4. Cart.

Bihar

1. Cycle.
2. Cock.

Bombay ..	1. Elephant. 2. Rising sun. 3. Horse and Rider. 4. Cart.
* Kerala ..	Spade and Stoker
Madhya Pradesh	1. Rising sun. 2. Elephant. 3. Horse and Rider.
Mysore ..	1. Elephant. 2. Cart.
Orissa ..	Bow and Arrow.
Punjab ..	Elephant.
Rajasthan ..	Rising sun.
Uttar Pradesh	Rising sun.
West Bengal	1. Standing lion. 2. Horse and Rider.
Delhi ..	Elephant.
Himachal Pradesh	Elephant.
Tripura ..	Ladder.

Moreover, no candidate for election from a constituency within the State of Bihar is permitted to choose 'Bow and Arrow' as his symbol. This restriction has no connection with the question of reservation of the symbol in the State.

Application for
recognition by un-
recognised parties.

The unrecognised political parties mentioned in List A below applied to the Commission shortly before the second general elections for recognition as National Parties and the reservation of symbols for them. Those mentioned in List B below applied for recognition as State Parties.

List A

1. All India Socialist Party, Lucknow.
2. Bolshevik Party of India, Calcutta.
3. All India Forward Block, Nagpur.
4. Revolutionary Communist Party of India, Calcutta.
5. Revolutionary Socialist Party (India), Calcutta.
6. People's Progressive Party, Madras.
7. Akhil Bharat Hindu Mahasabha.

List B

- | | |
|----------------|--|
| Andhra Pradesh | 8. The Andhra Pradesh Labour Party. |
| | 9. Hyderabad Pradesh National Kishan Congress. |
| Assam .. | 10. Highlanders Union. |
| | 11. Assam Garo National Council
ura, Garo Hill. |
| | Assam Sramik Sabha. |
| | 13. Mizo Union. |
| | 14. United Mizo Freedom Organisation |
| | 15. Mizo Union Right Wing. |
| | 16. Eastern India Tribal Union. |
| | 17. Progressive Congress. |
| | 18. Radicalist Communist Party of India. |
| Bihar | 19. Bihar Forward Bloc. |
| | 20. Janta Party. |
| | 21. Justice Party. |

Bombay	..	..	..	22. Adiwasi Congress, Nagpur.
				23. The Nationalist Party of India.
				24. Maha Gujrat Janta Parishad, Ahmedabad.
				25. Pro-United Maharashtra Congressmen's Conference.
				26. Lal Nishan Party.
Kerala	..	..	..	27. Indian Union Muslim League.
Madhya Pradesh	..	..	..	28. Adiwasi Congress, Nagpur.
				29. Jharkhand Party.
Madras	..	..	..	30. Dravida Munnetra Kazhaghham.
				31. Tamil Nad Congress Reform Committee.
Mysore	..	..	..	32. Lok Sevak Sangh.
Orissa	..	..	..	33. Jharkhand Party.
				34. Orissa Adivasi Sangh.
Uttar Pradesh	..	..	..	35. Mighty Susuma Party.
				36. Hindu Mahasabha.
West Bengal	..	..	..	37. Socialist Unity Centre of India.
				38. Sundarban Party.
				39. Adi Krishak Party.
				40. Jharkhand Party.
				41. Paschim Banga Congress Karmi Parishad.
				42. Sundarban Praja Party.
Himachal Pradesh	..	..	..	43. United Independent Front.

No materials were available before the Election Commission to enable it to decide whether the electoral support enjoyed by most of these parties would justify its recognition and the reservation of a symbol for it. In the few cases where such materials were available, they did not justify the recognition of the parties concerned. The request of these parties for recognition could not, therefore, be allowed until the second general elections were over and the parties had justified their claim by demonstrating the extent of the electoral support enjoyed by them. The Election Commission accordingly deferred its decision until the results of the second general elections were available so that the extent of the electoral support enjoyed by these parties might be definitely known. No symbol was accordingly reserved for any of these parties for the second general elections and the candidates sponsored by these parties had to be allotted "free" symbols only.

Difficulty was in a few cases experienced in the past in assessing the quantum of electoral support enjoyed by a political party when the party had entered into some sort of electoral alliance with another party prior to a general election. At the time the extent of its electoral support came to be assessed by the Election Commission, the party claimed that although some of the candidates had been formally sponsored at the election by the allied party, they were really its own candidates and that all votes polled by such candidates should be calculated in its favour. Such alliances or electoral arrangements between parties were mostly made without any notice to the Election Commission. In the circumstances, it proved very difficult to ascertain subsequently the real party affiliations of some of these

Electoral alliance or arrangements between political parties.

candidates or to decide whether such a political party has or has not qualified for recognition. The Commission decided accordingly that it would take no official notice of any local, regional or country-wide electoral alliances or arrangements between any political parties whether they were already recognised or not and whether such alliances etc., had been reported to the Commission by the parties concerned or not.

Procedure prescribed for an unrecognised party.

In order that similar occasions for uncertainty and doubts might not arise in future, the Election Commission prescribed the following procedure for adoption by all unrecognised parties seeking recognition:—

- (a) Each Party should advise all the candidates sponsored by it to mention in their nomination papers as their first choice the particular “free” symbol which the Party has selected and desires to be reserved in its favour. If this be done, there would be a reasonably strong likelihood of all such candidates or most of them being eventually allotted the particular symbol by the Returning Officer. The Party should intimate in advance to the Commission the symbol so selected and ensure in its own interests that each candidate that it sets up selects that symbol as his first choice.
- (b) In order that the Election Commission may properly decide after the general elections the claim of a Party for recognition, the Party should formally inform the Commission, the Chief Electoral Officer of the State and the Returning Officer of the constituency before the expiry of the last date for the withdrawal of candidatures the name of every candidate set up by it and the candidate should also simultaneously acknowledge in writing that he belongs to the Party.
- (c) No candidate who may in fact have been set up by a political party, but in respect of whom the above procedure has not been followed, would be considered to have belonged to that Party at the time its claim for recognition and the reservation of a symbol comes to be considered by the Commission. Although it might happen that a candidate sponsored by a party in accordance with the prescribed procedure has not been allotted the particular symbol selected by the Party, he would still be deemed to have been set up by the Party concerned and the votes polled by him would be taken into

account in deciding the claim of the Party for recognition so long as the above procedure has been followed.

As the Commission intended to review once again the entire position with regard to the recognition of parties soon after the second general elections, a careful record was maintained of the number of valid votes polled by every candidate sponsored by an unrecognised party seeking recognition.

The Commission has already reviewed the question of recognition of political parties on the basis of the electoral support each of the political parties secured in the second general elections. The Commission has decided that some more time should be allowed to the weaker political parties to consolidate and improve their standing before it raises the standard of minimum electoral support enjoyed by a political party in order to secure or retain its recognition for the purpose of reservation of a symbol in its favour.

Condition of recognition of political parties for allotment of symbols after the second general elections.

The candidates sponsored by each of the four all-India or National Parties, viz., the Indian National Congress, the Praja Socialist Party, the Communist Party of India and the Bhartiya Jan Sangh secured in the second general elections more than 3 per cent of the valid votes polled in the country and they continue to be recognised as all-India or National Parties.

Recognition of all India parties.

The All India Socialist Party and the Akhil Bharat Hindu Mahasabha applied for recognition on an all-India basis. As the valid votes polled by neither of the parties at the election to the House of the People reached the minimum of three per cent, their application for recognition could not be granted. In view of the fact, however, that they had secured this minimum in some individual States, the Commission recognised them as State Parties in those States. The Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura have no Legislative Assemblies. The recognition of State Parties in these territories had to be decided on the basis of the valid votes polled by the political parties in these territories in elections to the House of the People.

After reviewing the position on the above lines, the recognition of the following political parties which satisfied the requirement of electoral support in the second general elections was continued in respect of the States mentioned against their names and they have been allowed to retain the symbols which had been earlier reserved for them:—

Continued recognition of State Parties.

Sl. No.	Name of the Party	State in which recognised
1.	Jharkhand Party	Bihar.
2.	Chota Nagpur and Santhal Parganas Janta Party	Bihar.
3.	Peasants' and Workers' Party	Bombay.

Sl. No.	Name of the Party	State in which recognised
4.	All India Scheduled Castes Federation	Bombay. Punjab Himachal Pradesh.
5.	Akhil Bharat Hindu Mahasabha	Madhya Pradesh.
6.	All India Ganatantra Parishad	Orissa.
7.	Akhil Bharat Ram Rajya Parishad	Rajasthan.
8.	All India Forward Block (Marxist)	West Bengal.

There was no State-wide general election in 1957 to the Legislative Assembly of Andhra Pradesh. It was not possible therefore to review the question of recognition of the State Parties in that State and all the political parties which were recognised in that State before the second general elections continued to be recognised.

The following parties recognised before the second general elections failed to poll three per cent of the valid votes and lost their recognition in the States in question.

Loss of recognition of State parties.

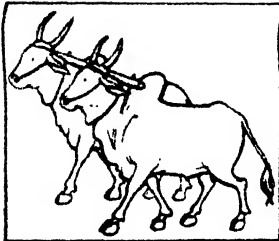
Name of the State	Name of the Party
Bombay	Akhil Bharat Hindu Mahasabha. Akhil Bharat Ram Rajya Parishad.
Kerala	Revolutionary Socialist Party.
Madhya Pradesh	Akhil Bharat Ram Rajya Parishad. All India Scheduled Castes Federation
Mysore	All India Scheduled Castes Federation Peasants' and Workers' Party.
Uttar Pradesh	Akhil Bharat Ram Rajya Parishad.
West Bengal	Akhil Bharat Hindu Mahasabha.
Delhi	All India Scheduled Castes Federation.
Tripura	Tripura Ganatantrik Sangha.

Newly recognised State parties.

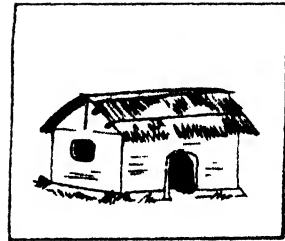
Candidates set up by the following political parties hitherto unrecognised polled more than three per cent of the valid votes in the States mentioned against their names and they have accordingly been recognised by the Commission in those States as State Parties:—

Sl. No.	Name of the Party	Name of the State in which recognised	Symbol reserved for the Party.
1.	Maha Gujrat Janta Party	Bombay	Cock.
2.	Indian Union Muslim League	Kerala	Ladder.
3.	Dravida Munnetra Kazhagam	Madras	Rising sun.
4.	Indian National Democratic Congress	Madras	Elephant.
5.	All India Socialist Party	Uttar Pradesh	Tree.
6.	Akhil Bharat Hindu Mahasabha	Delhi	Horse and Rider
7.	United Independent Front	Himachal Pradesh	Human hand.
8.	All India Socialist Party	Manipur	Tree.

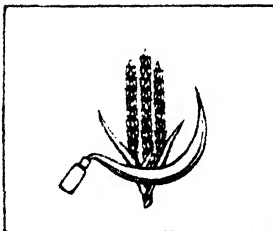
DESIGNS OF SYMBOLS FOR ALL INDIA PARTIES



INDIAN NATIONAL CONGRESS



PRAJA SOCIALIST PARTY

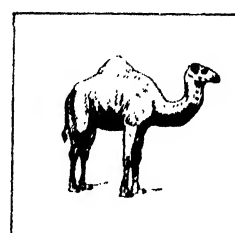
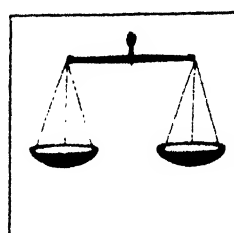
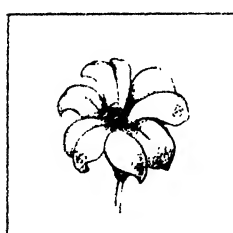
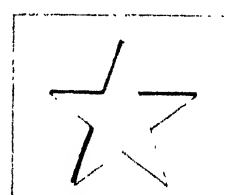
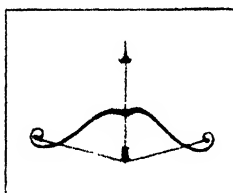
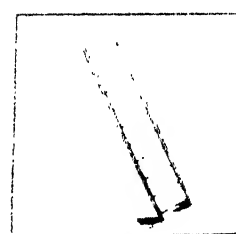
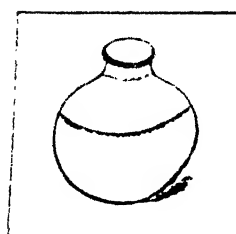
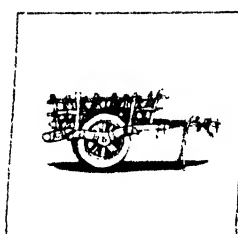
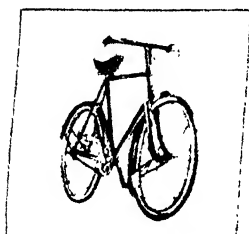
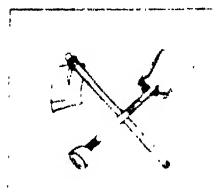
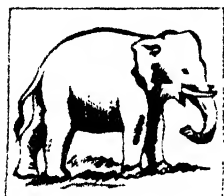
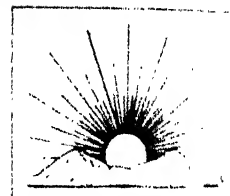
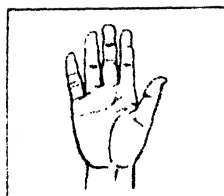


COMMUNIST PARTY OF INDIA



ALL INDIA BHARTIYA JAN SANGH

DESIGNS OF SYMBOLS FOR STATE PARTIES
AND INDEPENDENT CANDIDATES



It was decided by the Commission at a conference with the national parties in August-September, 1956 that the designs of the symbols printed in every State should tally with the designs approved by the Commission and should be uniform throughout the country. Specimen copies of the symbols approved by the Election Commission were forwarded to the State Governments with the direction that the symbols printed by them should conform exactly to the specimens. Proof copies of the symbols reserved for the recognised parties were supplied by the Chief Electoral Officer to the respective party headquarters in each State for comments, if any, before any copies were printed. Four copies of the design of each reserved symbol as accepted by the party concerned were jointly attested by a representative of the party and the Chief Electoral Officer. One of these attested copies was handed over to the party, another copy was sent to the Commission for record while the other two copies were retained by the Chief Electoral Officer. As a result of such prior consultation with the parties, no complaints were received from any of the recognised parties regarding the designs of the symbols reserved for them.

Designs of
symbols.

The approved designs of the symbols are reproduced in plates Nos. 1 and 2.

The amendments made in the law in 1956 simplified the procedure for allotting election symbols to candidates. A candidate is required to choose in order of his preference three symbols out of the list of the approved symbols. As already mentioned, no candidate is permitted to choose the symbol reserved for any of the recognised National or State Parties unless he has been sponsored by the Party concerned as its official candidate for the constituency in question. On the other hand, a candidate officially sponsored by the recognised Party is required to choose the symbol reserved for that Party by way of his first preference. Any failure to comply with these requirements does not, however, attract the penalty of rejection of the nomination paper and is ignored by the Returning Officer at the scrutiny.

Allotment of
symbols to
candidates.

An important amendment made in the law provides that the choice of symbols made by a candidate only in the nomination paper filed by him first in point of time is to be taken into consideration by the Returning Officer while allotting symbols to him. If the candidate makes a different choice of symbols in any subsequent nomination paper filed by him, such choice would be ignored by the Returning Officer. It has further been provided that even if the first nomination paper filed by the candidate happens to be rejected on scrutiny, the choice of symbols made therein would stand and be binding on him.

The above procedure is subject to an important qualification. A candidate officially sponsored or adopted by a recognised

political party would be invariably allotted the symbol reserved for that Party, provided the Party and the candidate have both formally informed the Returning Officer before the expiry of the time limit for the withdrawal of candidature that the candidate is the Party's official candidate for the constituency concerned. It may happen that the candidate has mentioned in the first nomination paper filed by him a symbol other than that reserved for the Party as his first choice. Even then such choice would be ignored and he would be invariably allotted the symbol reserved for the Party although he may not have included it in the list of the three symbols chosen by him.

The Commission issued directions to the Returning Officers on the following lines laying down the procedure to be followed by them in allotting symbols to the contesting candidates—

PART A

At an election in which one seat is to be filled :—

(1) The Returning Officer shall first allot to the official candidate set up by each recognised political party the symbol reserved for that party.

(2) If a recognised party has set up more candidates than one for the seat, none of them shall be treated as the official candidate of the party or allotted the symbol reserved for the party. All such candidates shall be treated as independent candidates and allotted free symbols, that is, symbols not reserved for any party recognised in the State.

(3) After the official candidates of all the recognised parties have been thus allotted their respective party symbols, the Returning Officer shall proceed to allot symbols to the remaining contesting candidates. In doing so, he shall allot the symbols of the first choice to every such candidate provided that such choice is not inconsistent with any of the restrictions which apply nor clashes with the first choice of symbols made by any other candidate.

(4) After candidates have thus been allotted symbols according to their first choice as far as possible, the Returning Officer shall proceed to allot symbols to the remaining candidates, if any. Some of them would be candidates whose first choice of symbols is not inconsistent with the aforesaid restrictions but clashes with that of any other remaining candidate. Each symbol in respect of which there is a clash shall be allotted to one of the contesting candidates by lot.

(5) Candidates who cannot be allotted the symbols of their first choice either because it is inconsistent with the restrictions imposed by the Commission or by virtue of the operation of Clause (3) or (4) shall be respectively allotted the symbols of their second choice subject to the provisions of law.

(6) If any candidate has failed to get a symbol under any of the foregoing clauses, the Returning Officer shall allot to him the symbol of his third choice subject to the provisions of law.

(7) If there are other candidates to whom symbols have not been allotted under any of the foregoing clauses, they shall be allotted symbols at the Returning Officer's discretion.

PART B

At an election in which two seats are to be filled :—

Each recognised party is entitled to set up officially two contesting candidates, one for the unreserved seat and the other for the seat reserved for the scheduled castes or the scheduled tribes, as the case may be.

(1) If a recognised party has set up only one contesting candidate, the symbol reserved for the party shall be allotted to that candidate.

(2) If a recognised party has set up two official candidates including at least one candidate belonging to a scheduled caste or a scheduled tribe, as the case may be, the symbol reserved for the party shall be allotted to both such candidates with the only difference that the symbol allotted to the scheduled caste or the scheduled tribe candidate of the party, as the case may be, shall be the particular symbol enclosed within a thick black circle.

(3) If a recognised party has set up more candidates than one for the unreserved seat, all of them shall be treated as independent candidates and allotted free symbols. If two candidates are set up by a party and both of them belong to the scheduled castes or the scheduled tribes, as the case may be, they shall be allotted the symbol reserved for the party, one of them (to be selected by agreement, or failing such agreement, by lot) being allotted the particular symbol enclosed within a thick black circle.

(4) If more than two candidates are set up by a recognised party but only one of them belongs to a scheduled caste or a scheduled tribe, as the case may be, the latter candidate shall be allotted the bare party symbol while the others shall be allotted free symbols and treated as independent candidates.

(5) If more than two candidates are set up by a party and more than one of them belong to the scheduled castes or the scheduled tribes, as the case may be, all the candidates of that party shall be allotted free symbols and treated as independent candidates.

(6) All other candidates to whom symbols have not been allotted under any of the foregoing clauses shall be allotted symbols according to the procedure laid down in clauses (3) to (7) of Part A above.

Procedure for adoption of official candidate by a recognised party.

A Returning Officer sometimes finds it difficult to decide the time of allotting symbols as to which of the candidates is the "official" candidate of a recognised Party. This results from the failure of the Party to give clear, timely and authoritative intimation to the Returning Officer regarding the adoption of its official candidate. If the Returning Officer refuses in the absence of such intimation to treat the candidate in question as having been sponsored by the Party, it invariably results in heart-burning and complaints. The Commission accordingly directed that the following procedure shall be followed by every recognised Party while communicating formally to the election authorities the adoption of its official candidate or candidates in a constituency :—

(1) Each recognised party shall intimate in advance to the Chief Electoral Officer of the State the name or names of the person or persons who have been authorised by the party to convey its final decision as to which of the contesting candidates at an election are to be treated as its official candidates in the different constituencies. The Chief Electoral Officer shall inform the Returning Officers accordingly.

(2) Every change subsequently made by a party in this respect shall be forthwith communicated to the Chief Electoral Officer and the Returning Officer of the constituency concerned.

(3) Specimen signatures of the person or persons so authorised shall be forwarded by the party to the Chief Electoral Officer and the Returning Officer of every constituency.

(4) When an election takes place in a constituency, the person or persons so authorised shall communicate to the Chief Electoral Officer and the Returning Officer of the constituency the name or the names of its official candidate or candidates at such election. Such intimation must reach the Returning Officer before the last date of withdrawal of candidatures in order to ensure that the official candidate or candidates of that party may be allotted the party symbol. If the communication does not reach the Returning Officer before that date, every candidate claiming to have been set up by the party shall be treated as an independent candidate and shall be allotted a free symbol.

Allotment of symbols in cases where "shadow" candidates fail to withdraw.

It is the usual practice for a Party to set up at an election a "shadow" candidate for every seat in addition to the candidate who is meant to be the real candidate of the Party. This precaution is taken in order that the Party may not find itself left

It sometimes happens, however, that the "shadow" candidate refuses or fails to withdraw in time. In such a case two candidates officially sponsored by the Party for the same seat would remain in the field. In order to prevent any such contingency, it would be safe for the Party to inform the Returning Officer before the expiry of the time limit for withdrawals, as to which of the two candidates sponsored by it is its real candidate. Unless this is done, the Returning Officer would not be in a position to allot the symbol reserves for the Party to either of the candidates as it is not for him to decide on behalf of the Party which of the two is the real candidate of the Party. Under the Commission's directions the Returning Officer has to treat both of them as independent candidates and allot free symbols to them. If the Party is an unrecognised one, the position is that both such candidates would have to tie for the free symbol chosen by the Party and one of them would be likely to be allotted the symbol by lot, but none of the candidates can be treated as the official candidate of the Party and the votes polled by neither can be credited to the Party for the purpose of deciding its claim for recognition.

As the interval between the date of scrutiny and the last date of withdrawal is very short, being three days only, the Commission was anxious that no political party whether it is recognised or not should be put to any difficulty in this regard if that could be avoided. The Commission accordingly advised every recognised Party as also every unrecognised Party which had applied for recognition that while communicating to the Chief Electoral Officer and the Returning Officers the names of their official candidates in a constituency, or soon thereafter, they should formally inform these officers which of the candidates sponsored by them are to be treated as their main official candidates so that in the event of their nominations being found valid, all other candidates sponsored by them could be treated as independent candidates if they did not withdraw from the contest. Any such communication received in time, *i.e.*, before the expiry of the time-limit for withdrawal is to be given effect to by the Returning Officers.

Working of the system.

No difficulty was experienced in any State in allotting symbols to candidates, except in isolated cases.

In Andhra Pradesh, the Returning Officer of one constituency had wrongly allotted the symbol "Cart" to an independent candidate losing sight of the fact that the "Cart" was a reserved symbol in the State. This mistake was brought to the notice of the Commission. As no candidate had been set up in that particular constituency by the party in whose favour the symbol "Cart" had been reserved, the Commission allowed the decision of the Returning Officer to stand as a special case so that the candidate concerned might not be put to undue inconvenience.

A few candidates in the State of Assam complained that the pictorial reproduction of the design of the free symbol "Pitcher" allotted to them was not good or prominent and that the design of the symbol as used in the first general elections had been much more satisfactory. In the same State, it was also represented that the symbol "Tree" as printed was not easily distinguishable by the illiterate voters.

Suggestions were made that the symbols "Cock" and "Bow and Arrow" should be deleted from the list of approved symbols inasmuch as these are believed to carry a certain amount of religious appeal with the people of certain parts of Assam. As this suggestion was received by the Commission as late as January, 1957, during the thick of the elections, it was not possible to consider it seriously at that stage. The suggestion will be considered in the future when the list of approved symbols is next revised.

Revision of symbols allotted by Returning Officers.

By the amended law, the Election Commission has been given powers to revise any wrong or illegal allotment of symbols made by a Returning Officer.

In Punjab there were a few instances in which the Returning Officers had wrongly allotted free symbols enclosed within a circle to independent scheduled caste candidates.

In a few instances, the symbol reserved for the Scheduled Castes Federation, namely, the "Elephant" was allotted to independent candidates. The Election Commission suitably revised the symbols wrongly allotted by the Returning Officers in these cases. In a few other cases the Commission revised the allotment of wrong symbols on the prayer of the candidates concerned. There were again a number of cases in which a recognised Party intimated its adoption of a candidate after the last hour of withdrawal. The default resulted from postal delay or other reasons beyond control. The candidates in question could not as a result, be allotted the symbols reserved for their Parties. The Commission revised allotment in every such case on the

candidate's prayer, provided the Returning Officer reported that he was satisfied that the candidate was in fact the official candidate of the Party concerned and both the candidate and the authorised representative of the party acknowledged the same in writing. In Uttar Pradesh alone there were as many as 33 such cases for the State Assembly elections and 5 for the House of the People elections. There were cases, however, where the difficulty was brought to the notice of the Commission too late after the postal ballot papers for the constituency had already been printed off with the symbol allotted by the Returning Officer to the candidate. In such cases the Commission considered it impracticable to revise the symbols even in cases of genuine hardship.

The following statement will give an idea of the various instances in which the Commission's directions on the subject had not been properly followed and of the action taken in such cases.

Name of the State	No. of cases where recognised political parties failed to communicate duly to the Returning Officers the names of their official candidates with the result that free symbols were allotted to them.					
	No. of cases where the Commission revised symbols allotted by Returning Officers		No. of cases where such allotment was revised by the Commission		No. of cases where free symbols were not revised	
	House of the People	Legislative Assembly	House of the People	Legislative Assembly	House of the People	Legislative Assembly
(1)	(2)	(3)	(4)*	§(5)	(6)	(7)
1. Andhra Pradesh	..	1	..	1	..	1
2. Bihar	..	7	..	..	..	1
3. Bombay	1	11	..	..	1	12
4. Madhya Pradesh	2	7	..	..	2	15
5. Madras	..	2	..	..	..	..
6. Mysore	..	2	..	1	..	..
7. Punjab	2	10	1	..	..	4
8. Rajasthan	..	2	..	..	..	..
9. Uttar Pradesh	5	33	5	33	..	..
10. West Bengal	4	7	..	..	..	..
TOTAL ..	14	82	6	35	3	33

*Included in column 2.

§Included in column 3.

It will be apparent from the above that in many cases party organisations moved in too leisurely a manner in the matter of adoption of candidates and communication of the information to the election authorities. The Election Commission went out of its way to relax the time-limit as far as practicable. Such revision of symbols at a late stage results in serious administrative difficulties to the election officers and confuses the electorate

and the other candidates. In the future, therefore, the Commission will enforce the rules and its directions strictly. It may be hoped that party offices also will tighten up their procedure relating to the adoption of candidates and that the Commission will be spared from the unpleasant duty of rejecting last-minute requests for revision of symbols.

Advantage of early
adoption of candi-
dates.

Administrative difficulties invariably result whenever any symbol allotted by the Returning Officer to a candidate has to be revised. The necessity of any such revision can be largely avoided if the recognised political parties are careful and punctual in following the directions of the Election Commission in this regard. The real difficulty in most of these cases seems to have been that even the longest established parties are very loosely organised in some of the constituencies and the final selection of a party's candidate is postponed till very late and is not sometimes decided upon until the eleventh hour. A properly organised party should be able to select its candidates months if not years before the general elections are due and to communicate the fact to the election authorities long before the nominations are due to be filed. If this be done, the candidates too would get a fair chance of wooing their constituencies properly while the electorate would have a better opportunity of judging between candidate and candidate over a much longer period than is the case at present. This is the procedure that is followed in countries where democratic elections have taken deep root, *e.g.*, the United Kingdom. The procedure has much to commend it and the political parties themselves find it convenient. It may be hoped that the political parties in India also will appreciate the advantages of adopting their candidates for every constituency well before the general elections are due and that they will do so for the third general elections.

CHAPTER X

MATERIALS FOR POLLING

The task of collecting all the material equipment required for the conduct of a general election in India is a heavy one. An enormous number of ballot boxes, ballot papers, identity slips, paper seals, indelible ink, adhesive gum, rubber stamps, metal seals and other articles are required to be procured and distributed to far-flung units. The most important items are, of course, the ballot boxes and the ballot papers. The ballot box attracted the greatest amount of public attention, particularly in view of uninformed suspicions sometimes expressed regarding their alleged tamperability. The Commission was therefore anxious that such safeguards should be adopted in respect of the ballot boxes as would inspire unqualified public confidence regarding their invulnerability.

Important items of election materials.

As in the first general elections the Commission undertook the responsibility of arranging for the supply of four items only, namely :—

Articles supplied centrally.

- (1) Ballot boxes,
- (2) Ballot papers,
- (3) Paper seals for ballot boxes and
- (4) Indelible ink.

In order to remove all suspicion regarding the alleged tamperability of the ballot boxes, political parties and individuals who had given expression to such suspicions were invited by the Election Commission on numerous occasions before the general elections to demonstrate, if possible, that once a ballot box of any approved design had been closed and sealed according to the Commission's instructions, it could be opened or tampered with without breaking the seals or leaving any clear evidence of such tampering. Some demonstrations were, in fact, attempted before the Commission, but they invariably failed. It was clear, therefore, that in every case where some one claimed to have succeeded in demonstrating the tamperability of a ballot box, the box had not been properly closed and sealed. Indeed, it is not surprising that in a few isolated polling stations during the first general elections in 1951-52, some presiding officers and polling agents of candidates had failed to understand or follow the Commission's instructions for sealing a ballot box and that the manner in which they had sealed the ballot boxes after the poll did not satisfy the strict standard prescribed for making them absolutely tamper-proof. Rumours and suspicions which were expressed in this regard

Ballot boxes.

prior to the second general elections obviously had their origin in exaggerated reports of isolated instances of such failure in the past. The Election Commission accordingly took great pains this time to ensure that its instructions for the sealing of ballot boxes were fully and clearly understood and meticulously followed by all concerned. The existing instructions were carefully revised and consolidated in order to make them fuller and clearer. Steps were also taken to ensure that all Presiding Officers were fully trained in the handling, closing and sealing of ballot boxes so that none of them might commit any careless mistakes while closing and sealing a ballot box after the poll. The Commission also took steps to ensure that the polling agents of candidates had an idea of the vital points they should look into when any ballot box was being sealed in their presence in a polling station at the close of the poll. In addition, each individual ballot box was thoroughly tested before the general elections and was repaired and strengthened as necessary so that no mechanically defective ballot box might be used at the poll.

In order to ensure a final physical check about the condition and proper working of the ballot boxes, the Chief Election Commissioner and the Deputy Election Commissioners made test checks of ballot boxes in course of their tours in different States. In some States it was found that as a result of careless maintenance in the past, the mechanism of a few ballot boxes had gone out of order through rusting of their metal springs. Defective ballot boxes were repaired and restored to working condition whenever practicable, while those which were beyond repairs were condemned.

It goes without saying that any suspicion legitimate or otherwise which may be widely entertained by the public and the political parties regarding the invulnerability of the ballot boxes poisons the very roots of public faith in the process of democratic elections. An election must be deemed to have been a failure to the extent it fails to inspire public confidence in its fairness. The Commission, therefore, attached the highest importance to this question and appealed to everyone to discourage strongly any hypothetical suspicion about the invulnerability of the ballot boxes in view of the ample and clear evidence that all such doubts and suspicions had in fact no foundation whatsoever. As a result of these efforts, even the most sceptical critic who took the trouble of personally studying the mechanism of the ballot boxes and the correct and detailed procedure for sealing them after the poll was fully satisfied about their dependability and tamper-proof character. It is gratifying to note that after the elections were over, there were hardly any allegations that any ballot boxes had been tampered with between the poll and the counting of votes.

Before the first general elections in 1951-52, the State Governments purchased 24,73,850 steel ballot boxes and 1,11,095 wooden ballot boxes at a total cost of Rs. 1,22,87,349. After these elections were over, the steel ballot boxes were carefully stored and preserved. They were periodically greased, repainted or repaired as necessary so that they might continue to be in proper working order. As a result of the reorganisation of States, a large number of ballot boxes had in some cases to be transferred from one State to another. Some States found themselves short of their total estimated requirements in respect of ballot boxes. Arrangements were made to supply them with their requirements. 4,56,000 new ballot boxes had to be manufactured this time. A total of 21,00,931 ballot boxes were actually used in the second general elections.

In estimating the requirements of ballot boxes, the Commission based its calculations on the assumption that there would be approximately four contesting candidates for a single-member constituency and eight for a two-member constituency and that an average of one thousand voters would be required to vote at one polling station. On this basis, the total requirement of ballot boxes was calculated as follows :

<i>Name of the State or Union Territory</i>	<i>No. of boxes</i>
1. Andhra Pradesh.	2,55,173
2. Assam.	65,806
3. Bihar.	2,72,245
4. Bombay.	3,16,148
5. Kerala.	97,037
6. Madhya Pradesh.	2,03,940
7. Madras.	2,53,268
8. Mysore.	1,19,257
9. Orissa.	1,19,468
10. Punjab.	1,32,096
11. Rajasthan.	1,10,184
12. Uttar Pradesh.	5,20,080
13. West Bengal.	2,39,377
14. Delhi.	6,314
15. Himachal Pradesh.	7,814
16. Manipur.	3,440
17. Tripura.	5,825
TOTAL.	<hr/> 27,27,472

No wooden ballot box was permitted to be used during the second general elections. During the first general elections the use of 1,11,095 wooden boxes had to be permitted in Madras as one of the manufacturers had defaulted in supplying to the State the steel ballot boxes which they had contracted to supply.

Ballot papers.

In 1953, the Election Commission introduced new designs of ballot papers which were different in some respects from those used during the first general elections. A large number of cases had come to light during the first general elections in which presiding officers had failed through carelessness to distinguish the ballot papers supplied for the Assembly elections from those supplied for the Parliamentary elections and had mistakenly interchanged the two varieties while issuing them to the voters. The scope which obviously existed for such mistake and carelessness clearly called for a change in the designs of the ballot papers of both the varieties with a view to make them more easily distinguishable from each other. The new designs of ballot papers which were adopted for use during the general elections of 1957 are reproduced in plates Nos. 3 and 4.

As in the past, the ballot papers were printed and supplied by the Security Press, Nasik Road. In order that large stocks of unused ballot papers might not be left over after the elections, the supply of ballot papers to each State was kept to the barest minimum requirements without, however, incurring any risk of shortage. In spite of an increase of over 11% in the electorate, the total number of ballot papers supplied for the second general elections was 57,93,71,000 as compared to the total of 600 million ballot papers printed for the first general elections.

The number of ballot papers supplied to each State and Union territory is given below :—

<i>Name of the State or Union Territory</i>	<i>No. of ballot papers</i>
1. Andhra Pradesh.	4,00,00,000
2. Assam.	1,30,00,000
3. Bihar.	5,68,00,000
4. Bombay.	6,72,00,000
5. Kerala	2,06,00,000
6. Madhya Pradesh.	4,71,71,000
7. Madras.	5,35,00,000
8. Mysore.	2,96,00,000
9. Orissa.	2,75,00,000
10. Punjab.	2,93,00,000

DESIGN OF BALLOT PAPERS USED AT THE LAST GENERAL ELECTIONS, 1957
(HOUSE OF THE PEOPLE)
For Two - Member Constituencies

Plate No. 3

HOUSE OF THE PEOPLE

HOUSE OF THE PEOPLE

AP 57

000000 A

AP 57

000000 B

For Single - Member Constituencies

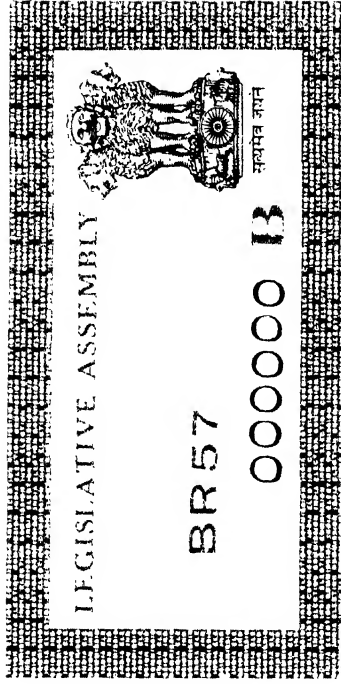
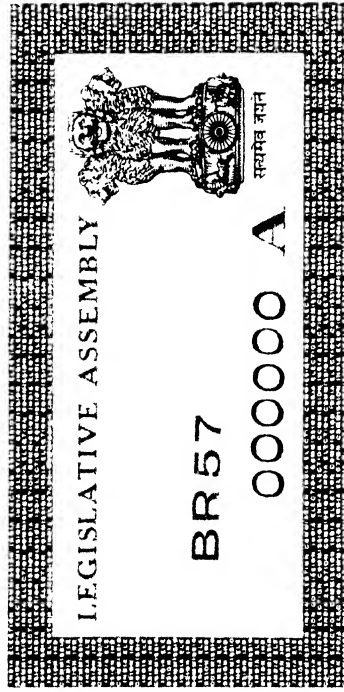
HOUSE OF THE PEOPLE

AS 57

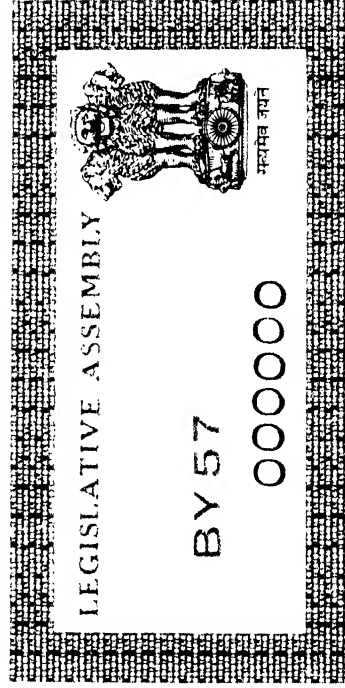
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DESIGN OF BALLOT PAPERS USED AT THE LAST GENERAL ELECTIONS, 1957
(LEGISLATIVE ASSEMBLY)

For Two - Member Constituencies



For Single - Member Constituencies



<i>Name of the State or Union Territory</i>	<i>No. of ballot papers</i>
11. Rajasthan.	2,91,00,000
12. Uttar Pradesh.	11,04,50,000
13. West Bengal.	5,09,00,000
14. Delhi.	16,50,000
15. Himachal Pradesh.	12,00,000
16. Manipur.	4,00,000
17. Tripura.	10,00,000
Total :	57,93,71,000

A total of 197 tons of paper was used for printing the 57,93,71,000 ballot papers at a cost of Rs. 11,52,506/13/-.

By a recent amendment of the rules for the conduct of elections, the Election Commission has been given the power to direct that at any election to the House of the People or the Legislative Assembly of a State, the method of voting by marking the ballot paper shall be adopted. This method of voting has been described in detail and its advantages over the older method discussed in Chapter IX.

Ballot papers for the marking system of voting.

The ballot paper for use under the "marking system" of voting has, of course, to be materially different from the ballot papers used under the older system. The new type of ballot paper contains the serial number and name of each contesting candidate along with his respective party affiliation as also a pictorial representation of his symbol. A few actual ballot papers marked to indicate votes are reproduced in plates Nos. 5, 6 and 7 by way of illustration.

Different types of ballot boxes were approved by the Commission and used during both the general elections. Only three of these types require the use of paper seals for securing the ballot boxes against tampering, namely, those manufactured by (1) Messrs Godrej and Boyce Manufacturing Co., Ltd., Bombay, (2) Messrs Hyderabad Allwyn Metal works Ltd., Hyderabad, and (3) Messrs Oriental Metal Pressing Works, Bombay. These three types of boxes are so constructed that after a paper seal has been properly fixed to a box and the box closed, it cannot be opened again without breaking the paper seal. Before the poll commences, the signatures or seals of the polling agents of the candidates are taken on the paper seal. It is then fixed to the box and the box is closed. For both the general elections, all the paper seals were printed centrally at the India Security Press, Nasik. They bear an intricate design as a safeguard against possible forgery.

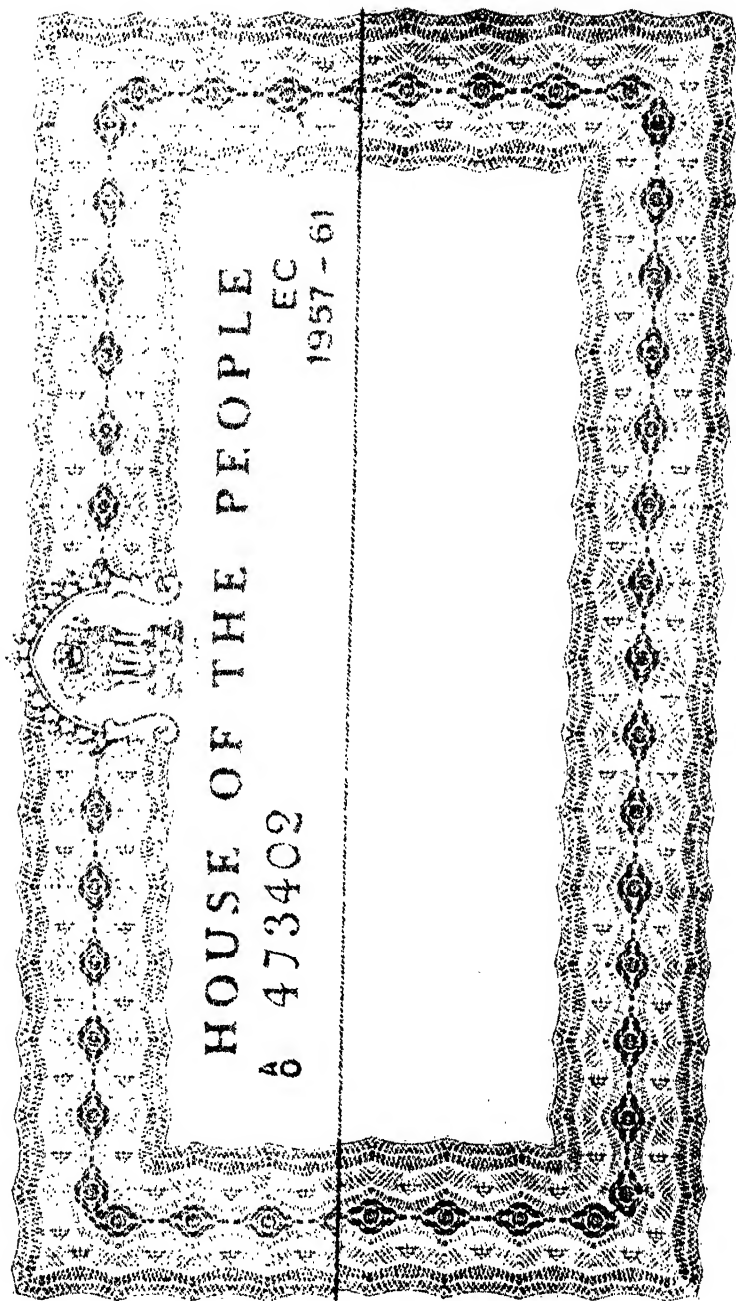
Paper Seals.

It was represented to the Commission sometime before the second general elections that a candidate and his counting agents very often found it difficult in practice at the time of the counting of votes to identify or check the signature of every one of his numerous polling agents on the paper seals with the result that the provision of paper seals with the signatures of the polling agents thereon might fail eventually to provide an adequate or effective safeguard against the tampering of a ballot box and the substitution of a fresh paper seal to cover up such tampering. The Commission was satisfied that the criticism had substance. In fact this appeared to be one of the factors which gave rise to the rumours and suspicions regarding the alleged tampering of ballot boxes. In order to provide an easier and more effective check, the Election Commission introduced for the second general elections a second paper seal for use in a ballot box along with the first. This new paper seal is green in colour while the original paper seal was pink. The green paper seals also were printed in the India Security Press, Nasik. Each of them bore a distinctive serial number along with a legend. Every Presiding Officer was required to keep a strictly correct record of the serial number of the paper seal used in the ballot box of each candidate. The polling agents were permitted to take note of these serial numbers. When the ballot box was opened at the time of the counting of votes, the candidates and their agents found it quite easy to check the serial numbers of the green paper seals of the ballot box and to satisfy themselves that no ballot box had been tampered with nor any green paper seal used at the poll substituted. A further check was provided of course by the pink seal bearing the signatures or seals of the polling agents.

The introduction of these safeguards had the desired effect and political parties and candidates have expressed their satisfaction with and confidence in the new procedure. There were practically no complaints of tampering of ballot boxes during the second general elections.

The expenditure incurred on paper seals amounted to Rs. 42,201/15/- whereas the expenditure incurred on that account during the first general elections in 1951-52 was Rs. 11,243/8/-. The quantity of paper seals supplied to the different States and Union Territories was as follows :—


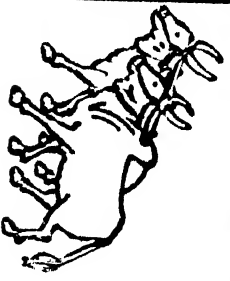
Name of the State or Union Territory			Pink paper seals of large size	Pink paper seals of small size	Green paper seals
(1)			(2)	(3)	(4)
1. Andhra Pradesh	..	..	—	5,20,000	4,00,000
2. Assam	..	..	1,00,000	—	1,00,000
3. Bihar	..	..	4,15,000	—	4,15,000
4. Bombay	..	..	4,80,000	—	4,80,000

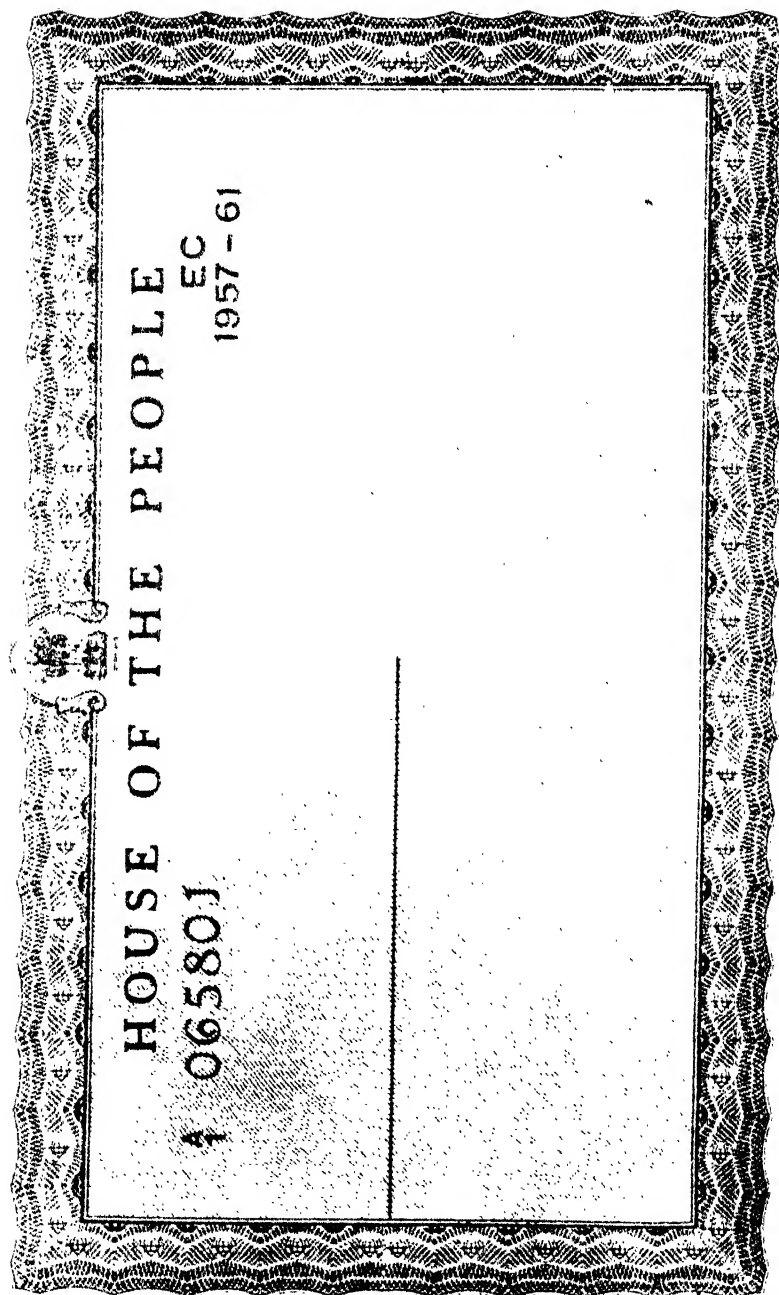


Form 16-A

BALLOT PAPER

HP-GURGAON

Sl. No.	Name of Candidate	Party Affiliation	Symbol and Mark
2	Prakash Vir प्रकाश वीर پراکش ویر	Independent स्वतंत्र مستقل	
3	Mauli Chandra मौली चन्द्र مولى چندر	Congress कांग्रेस قونگرس	



BALLOT PAPER

Form 16-A

West Bengal—H.P.—Cooch Behar



SL No	Name of Candidate	Party Affiliation	Symbol and Mark
1	<p>নলিনীরঞ্জন ঘোষ</p> <p>NALINI RANJAN GHOSH</p>	<p>কংগ্রেস</p> <p>CONGRESS</p>	
2	<p>সরোজকুমার চক্রবর্তী</p> <p>SAROJ KUMAR CHAKRAVARTY</p>	<p>স্বতন্ত্র</p> <p>INDEPENDENT</p>	




PLATE No. 7

A 371407

Form 16-A

BALLOT PAPER

MADRAS—LA—TIRUVADANAI

Serial No.	Name of Candidate.	Party affiliation.	Symbol and mark.
1	காரைமங்கலம் அம்பலம், ஆர். எம். Kariamanickam Ambalam, R. M.	சுயேச்சை Independent	
2	ராமகிருஷ்ணத் தேவர், எஸ். Ramakrishna Thevar, S.	காங்கிரஸ் Congress	
3	வெள்ளையன் Vellayan	சுயேச்சை Independent	

Name of the State or Union Territory	Pink paper seals of large size	Pink paper seals of small size	Green paper seals
(1)	(2)	(3)	(4)
5. Kerala	81,000	68,000	1,65,000
6. Madhya Pradesh	1,29,000	—	1,30,000
7. Mysore	1,83,000	—	1,85,000
8. Orissa	1,38,000	—	1,45,000
9. Madras	—	5,29,000	4,50,000
10. Punjab	2,34,000	—	2,40,000
11. Rajasthan	1,95,000	—	1,95,000
12. Uttar Pradesh	2,92,000	—	3,00,000
13. West Bengal	1,51,000	—	1,60,000
14. Delhi	19,000	—	20,000
15. Himachal Pradesh	23,000	—	25,000
TOTAL ..	24,40,000	11,08,000	34,10,000

Some economy can be effected by combining the pink and green paper seals into one. The Commission has decided to print in future only the green paper seals in the size of the pink paper seals and requiring the signatures of the polling agents to be taken on them. This will retain all the safeguards against tampering and simplify the present procedure by doing away with the necessity of affixing two separate paper seals to every ballot box.

The marking of the left forefinger of every voter with indelible ink is a statutory requirement. The entire requirement of indelible ink was supplied by the Council of Scientific and Industrial Research, New Delhi. 3,16,707 phials of indelible ink were used in the second general elections, as compared to 3,89,816 phials in the first general elections.

A criticism has often been made that the mark made on a voter's finger by the indelible ink is not in fact indelible and is capable of being removed and it has been represented that such marking does not fully serve as a check against impersonation. No demonstration has yet been given before the Commission by any one to justify the criticism. At an all-parties conference in 1956, the Election Commission offered the deletion of the legal provision regarding the marking of the voter's finger with indelible ink in case the political parties really felt that it was ineffective. It is significant that all the parties desired the provision to remain. The provision was accordingly allowed to remain on the Statute Book. An interesting fact which may be mentioned in this connection is that the procedure of marking the voters' fingers with indelible ink has in fact been since adopted in connection with elections to many local bodies which are controlled by authorities other than the Election Commission. It is reasonable, therefore, to take the view that such marking of

voters' fingers does in fact materially serve as an effective enough moral and physical safeguard against the impersonation of voters, particularly in elections based on adult suffrage.

A very interesting suggestion was received by the Election Commission on the eve of the second general elections. If it can be adopted and found practicable, it would effectively remove all chance of any person voting more than once in an election. The suggestion is that instead of marking the left forefinger of a voter with indelible ink, he should be compulsorily vaccinated or revaccinated for small pox before receiving any ballot paper. A vaccination mark remains fresh and prominent for well over a week and a voter who has received the mark at the time he votes would not be able to personate another voter for that period.

Before this suggestion can be adopted, however, a strong public opinion would have to be created in its favour. The political parties would have to be consulted also and their substantial concurrence obtained.*

Moreover it may be found necessary to amend the law so as to make re-vaccination compulsory on the day of the poll in an area to which the provision may be applied. The provision requiring the marking of the voter's finger with indelible ink would not apply to such an area of course.

The full co-operation of the Public Health authorities would be necessary for setting up the field organisation required for mass inoculations on such a scale practicable in the areas to which the scheme may be extended. Large quantities of lymph would have to be provided as also a sufficient number of temporary inoculators—one for each polling party with sufficient reserves.

If it is ultimately decided to adopt the scheme, it may be extended in the first instance to city and industrial areas from where complaints are usually received that the same person has voted more than once after obliterating somehow the indelible ink-mark.

Poll for the general elections takes place usually in the season which is ideally suited for such inoculation in view of the fact that epidemics of small pox usually break out from February onwards. The suggestion, if adopted, would, therefore, be a very useful and desirable measure even from the point of view of public health. The Government, the Political Parties and the general public should, therefore, give their earnest consideration to the suggestion.

Arrangements were made by the State Governments for the supply to polling parties of all polling materials other than ballot boxes, ballot papers, paper seals and indelible ink.

An idea of the wide variety of materials required at a polling station may be obtained from the following list of such materials:—

- (1) Working copies of electoral rolls.
- (2) Gummed kraft paper of prescribed size (for Godrej ballot boxes only).
- (3) Pieces of card-board for strengthening the paper seals.
- (4) Flexible wire (for fastening and securing parts of the ballot boxes).
- (5) Labels bearing the printed symbols of candidates.
- (6) Printed notices specifying the polling area or the particulars of the voters entitled to vote at the polling station.
- (7) Copies of the list of contesting candidates.
- (8) Printed identity slips for voters.
- (9) Passes for election agents.
- (10) Envelopes.
- (11) Address tags for ballot boxes.
- (12) Tendered ballot paper forms.
- (13) Tendered votes list forms.
- (14) List of challenged votes forms.
- (15) Ballot paper account forms.
- (16) Paper seal account forms.
- (17) Thumb-impression pad and ink.
- (18) Ink, pens and nibs.
- (19) Pencils ordinary and copying.
- (20) Foolscap paper.
- (21) Blotting paper.
- (22) Pins.
- (23) Knives.
- (24) Scissors.
- (25) Gum paste.
- (26) Sealing wax.
- (27) Candles.
- (28) Presiding Officer's seals.
- (29) Rubber stamps bearing the distinguishing mark of the polling station.
- (30) Match boxes.
- (31) Twine thread.
- (32) Sewing needles.
- (33) Packing materials.
- (34) Paper clips—(for Allwyn type boxes only).
- (35) Screens for polling compartments.
- (36) Furniture (chairs, tables, benches, stools etc.).
- (37) Lanterns and kerosene.
- (38) Presiding Officers' diary forms.

CHAPTER XI

THE ELECTION TIME-TABLE

After the conclusion of the first general elections, the House of the People was duly constituted and met for the first time in May, 1952. The Legislative Assemblies of the States met on different dates between March and May, 1952. Under article 83(2) and article 172(1) of the Constitution the term of each of these Houses of Legislature was due to expire after the lapse of five years from the date of its first meeting. The Houses which would have first completed their terms were the Legislative Assemblies of Assam and Orissa. Their term was due to expire on the 3rd March, 1957. If the House of the People and the different Legislative Assemblies were all allowed to complete their respective terms in full, the general elections to reconstitute them would have had to be held at different points of time. In such a case, it would not have been possible to hold simultaneous country-wide general elections, both for the House of the People and the Legislative Assemblies.

February and
March most con-
venient for the
poll.

Moreover, varying climatic conditions in different parts of India make it physically difficult for the general elections to be held during considerable parts of the year. No part of the year is universally suitable for the poll in all parts of the country except the months of February and March. December and January are inconvenient for the southern States on account of the prevailing monsoon in those parts. From April onwards, the climate becomes too hot and trying in some parts of the country, as for instance, Orissa, West Bengal, Bihar and Uttar Pradesh. After April there is also every risk of heavy rainfall seriously disrupting communications in the rural areas in some other parts like Assam, even before the onset of the normal monsoon. From June onwards, practically the whole of North and Central India is monsoon-bound and poll is almost physically impossible over vast rural areas. Leaving out of account the snow-bound regions in Himachal Pradesh and parts of the Kangra District in Punjab, February and March are the ideal months in which the poll for general elections can be conveniently held over the rest of the country. It was, therefore, decided that the second general elections should be completed before the end of March, 1957, and that the existing Houses of Legislature should be dissolved prematurely, wherever necessary, in order that the newly elected Houses might meet soon after the general elections were over. In pursuance of this decision, the

Premature dissolu-
tion of Legisla-
tures.

following Legislative Assembly were dissolved before their normal terms were complete :—

Name of the Legislative Assembly	Date of normal expiry of term	Date on which dissolved
Bihar .. .. .	.. 12-5-1957	2-4-1957
Bombay .. .. .	.. 3-5-1957	4-4-1957
Madras .. .. .	.. 3-5-1957	31-3-1957
Mysore .. .. .	.. 18-6-1957	1-4-1957
Punjab .. .. .	.. 3-5-1957	31-3-1957
Uttar Pradesh .. .. .	.. 19-5-1957	31-3-1957
West Bengal .. .. .	.. 18-6-1957	5-4-1957

There was another important consideration that the Commission had to take note of in fixing the time-table for the general elections. The term of office of the President and the Vice-President was due to expire on the 13th of May, 1957, on the expiry of five years from the date when they assumed office. Articles 62 and 68 of the Constitution require that the elections of the new President and Vice-President must be completed before the expiry of the term of their predecessors. A minimum period of 30 days is required to complete these elections. In order that these elections might be completed in accordance with the provisions of the Constitution, it was necessary to constitute the new House of the People and the Legislative Assemblies before the end of March, 1957. The Constitution would have no doubt permitted the President and the Vice-President to be elected by the members of the outgoing Houses of Legislature. It was generally felt, however, that it would be inappropriate for these members to elect the President and the Vice-President at the fag end of their terms and that it would be far more desirable and democratic for the members of the newly elected Houses to elect the new President and the Vice-President. Accordingly, the Commission settled the programme for the general elections so that the poll for the general elections might be completed by the middle of March, 1957. In order that this objective might be achieved, the notifications calling upon the constituencies to elect their members had to be issued soon after the middle of January, 1957.

A decision had also to be taken as to the exact dates to be fixed for the poll in every State. The task of drawing up a programme for the poll which would be suitable from every point of view and for every part of the country was by no means easy. An undesirable feature of the first general elections was the staggering of the poll in the country as a whole over a period of several months. Even in the same State the poll was staggered on that occasion over a large number of days. The Commission was anxious to avoid this.

Political parties and Governments consulted regarding programme for the poll.

The Commission called a conference of the All-India Political Parties in New Delhi on the 13th November, 1956, in order to elicit their views as to the most convenient period in February-March, 1957, for holding the poll for the general elections. The Commission also consulted the Central Government and the State Governments and invited their opinion as to the particular fortnight after the 31st January which would be most convenient for holding the poll. Detailed information regarding fairs, *melas*, religious festivals etc., were also collected so that the polling programme might not clash with them as far as practicable.

The representatives of the political parties expressed themselves unanimously—

- (i) that the poll should be held continuously without any long break;
- (ii) that it should be completed within 15 days, if possible; and
- (iii) that the *Holi* festival which was to take place on the 15th and 16th March, 1957, should, in no case, fall within the period of the poll.

The consensus of opinion among the State Governments was largely in favour of the poll being taken in the first fortnight of March.

Difficulties of a poll in February and March.

Although every consideration pointed to the desirability of the poll for the general elections taking place in February-March, 1957, there appeared to be almost insuperable difficulties in implementing such a decision. The boundaries of many of the existing States were radically redrawn late in 1956 by a very controversial measure, the States Re-organisation Act, 1956. This Act received the assent of the President only on the 31st August, 1956, and the re-organised States came into existence as late as the 1st November, 1956. The Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, which made important changes in the procedural law relating to elections were not promulgated until the 30th of August, 1956. The re-organisation of the States and the material changes made in the boundaries of the States thereby necessitated a large-scale re-delimitation of constituencies in every State whose extent had been affected by the re-organisation. Constituencies both for the State Assemblies and the House of the People had to be altered, adjusted or freshly delimited in every such State in order that they might satisfy the provisions of the Constitution in this regard. The Delimitation Commission, which was required to be set up for the purpose by section 43 of the States Re-organisation Act, could not be constituted before the 1st of September, 1956, as the Act itself came into force

on the 31st August, 1956. The new constituencies had to be delimited by the Delimitation Commission and the Order of delimitation formally promulgated before the electoral rolls of the refashioned constituencies could be prepared and published. No elections could be ordered again until the electoral rolls of these constituencies had been finally published. There was thus barely about four months and a half available between the enactment of the States Re-organisation Act and the date when the constituencies had to be called upon to elect their members. The enormous task of re-delimitation of the constituencies, preparation and publication of the electoral rolls of each of these constituencies and the organisation and intensive training of the vast election machinery in the States had to be compressed and carried out within this short space of time.

The Election Commission and the Delimitation Commission took every possible step to ensure that all these preliminaries were completed in time so as to enable the elections to be held according to schedule. The Election Commission was anxious to avoid any eventuality whereby the elections might have to be postponed on the sole ground that the election machinery was not ready for the same. The difficulties were, however, so numerous and complicated that at one stage it became doubtful whether the elections could after all be held duly and whether it would not be found necessary even to amend the Constitution so as to extend the life of the existing House of the People and the Legislative Assemblies by a year.

In view of all these difficulties and the tightness of the programme, the view was widely held that it would be physically impossible to complete all the preliminaries in time for the holding of the general elections during February-March, 1957, and that the Constitution would have to be amended for extending the term of the House of the People and the State Assemblies.

The Commission was anxious to avoid, so far as was humanly possible, any postponement of the elections beyond March, 1957. It felt that any such postponement would create a dangerous precedent for the future and would adversely affect the creation of the healthy democratic tradition by which a Legislature is prevented, except in a grave emergency, to prolong its own life beyond the constitutional term. Accordingly, the Commission pressed the Government of India to expedite the legislation and other preliminary steps in order that the danger of any such postponement might be avoided. The Government was equally anxious in this respect and carried out their part of the task with promptitude. The State Governments also extended their full co-operation to the Commission. The Commission is glad to be able to put on record that but for

the ready and willing co-operation of the Central and the State Governments it would not have been possible to resolve the manifold difficulties so smoothly or promptly and to launch and carry through the general elections according to schedule.

Re-delimitation of constituencies.

The Delimitation Commission had to work against time and succeeded in completing its task on the 19th December, 1956, when its Final Order of delimitation was signed and promulgated. The work of the Delimitation Commission was considerably impeded at one stage as a result of the delay in determining and formally publishing the revised figures of population of the scheduled castes and scheduled tribes occasioned by the passing of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956.

The Government of India was expected to announce on any day the demarcation of Punjab into Hindi and Punjabi Regions. The Associate Members from Punjab accordingly pressed the Commission to postpone the discussions regarding the delimitation of constituencies in the State on the ground that any delimitation of constituencies which might eventually cut across the boundaries of the two linguistic regions would not only lead to contradictions between the two orders but would also prove unworkable in practice. Accordingly, the Delimitation Commission held up its work in respect of Punjab for a few weeks in the expectation that the regional demarcation would be announced early. As matters turned out, however, the announcement was not made until long after the elections were over, namely, in October, 1957. The Delimitation Commission was, in the circumstances, ultimately compelled to delimit the constituencies in Punjab without the advantage of being able to take into account the demarcation of the two regions.

Appointment of Electoral Registration Officers, Assistant Electoral Registration Officers, Returning Officers and Assistant Returning Officers.

In order to avoid delay, as soon as the delimitation of constituencies was taking final shape, the Commission called for tentative proposals from the State Governments for the appointment of Electoral Registration Officers, Assistant Electoral Registration Officers, Returning Officers and Assistant Returning Officers for the proposed constituencies, even before they had been finally delimited. The proposals received from the State Governments were examined and considered promptly and the appointments were notified without any loss of time as soon as the Delimitation of Parliamentary and Assembly constituencies Order came to be formally promulgated by the Delimitation Commission.

Publication of electoral rolls.

Instructions were issued by the Commission to the officers in the States to collate in anticipation of the final order of delimitation the existing electoral rolls and to take in hand the preparation of the electoral rolls for the proposed new constituencies so that they might be finally published under rule 24 of

the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, immediately after the promulgation of the final order of delimitation. This rule provided for the preparation of electoral rolls for the newly delimited constituencies in a summary manner after suitably collating the finally published electoral rolls of the original constituencies. Such collation, preparation and final publication was necessary in respect of those constituencies only the extent of which had been altered by the new Delimitation Order. It was only after the collation and formal publication of the electoral rolls of the altered constituencies that the stage was finally laid for the holding of the elections.

In settling the detailed programme for the elections, the Commission had to keep in view the Republic Day (the 26th January, 1957) and the celebrations connected therewith. The various dates were fixed in such a way that no inconvenience might be caused to the general public by these celebrations clashing with the election programme.

Detailed time-table
for the elections.

After giving due weight to the opinions expressed by all the interests concerned, the Commission ultimately recommended the following programme for the general elections to the President and the Governors of the State. (See pages 114 and 115).

*Statement showing the programme of elections in the
Parliamentary and Assembly Constituencies*

S. No.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Name of the State	Date of issue of President's notification u/s 14(2) of the R.P. Act, 1951.	Date of issue of Governor's notification u/s 15(2) of the R.P. Act, 1951.	Date of issue of Commission's notification u/s 30 of the R.P. Act, 1951.	Last date for making nominations.	Date for the scrutiny of nominations.	Last date for the withdrawal of candidatures.	Date before which election shall be completed.
1.	Andhra Pradesh ..	19-1-1957	19-1-1957	19-1-1957	29-1-1957	1-2-1957	4-2-1957	31-3-1957
			(notification issued by the Commission u/s 150 of the R.P. Act, 1951).					
2.	Assam ..	19-1-1957	19-1-1957	19-1-1957	29-1-1957	1-2-1957	4-2-1957	31-3-1957
3.	Bihar ..	Do.	Do.	Do.	Do.	Do.	Do.	Do.
4.	Bombay ..	Do.	Do.	Do.	Do.	Do.	Do.	Do.
5.	Kerala ..	Do.	Do.	Do.	Do.	Do.	Do.	Do.
6.	Madhya Pradesh ..	Do.	Do.	Do.	Do.	Do.	Do.	Do.
7.	Madras ..	Do.	Do.	Do.	Do.	Do.	Do.	Do.
8.	Mysore ..	Do.	Do.	Do.	Do.	Do.	Do.	Do.
9.	Orissa ..	Do.	Do.	Do.	Do.	Do.	Do.	Do.
0.	Punjab ..	Do.	Do.	Do.	Do.	Do.	Do.	Do.

Rajasthan	Do	Do	Do	Do	Do
Uttar	Do	Do	Do	Do	Do
West Bengal	Do	1-1 (Parl.) 23-1-1 (Assy.)	29-1-19 (Parl.) 2-2-195 (Assy.)	1-2 (Pa) 6-2 (As)	4-2 (Pa) 9-2 (As)
Delhi	Do	1-1	29-1-19		
Himachal Pradesh	Do	Do	Do		Do
Madhya Pradesh	Do	Do	Do	Do	
Mizoram	Do	Do	Do	Do	Do

N.B.— da fixed po nt S nd pag

The Commission would have preferred every State to commence the poll on the 25th February, 1957, and to complete it by the 12th March, 1957. While many of the States complied, there were slight variations in a few States. The Commission agreed to these variations in view of the special reasons urged by the States concerned. Orissa and Punjab, for instance, pressed for a longer period for the poll on account of peculiar local difficulties. Accordingly, the poll in these States commenced a day earlier than in the other States. Punjab and West Bengal completed the poll on the 14th March, 1957.

In the case of West Bengal, the Governor's notification and the Election Commission's notifications under section 30 of the Representation of the People Act, 1951, were issued on the 23rd January, 1957, instead of the 19th January as in the rest of the country. This departure from the normal time-table was agreed to by the Commission in view of the fact that the State Legislative Assembly which was in session had to continue its deliberations on the 19th January and a few days thereafter.

Cases of postponed poll.

The elections were completed in every State by the 31st March, 1957, with the exception of the Kangra Parliamentary constituency and the Kulu Assembly constituency in Punjab as also all the Parliamentary constituencies in the Union territory of Himachal Pradesh. The poll had in fact been ordered in these constituencies along with the rest of the country but had to be postponed for unavoidable reasons. The Returning Officers of these constituencies reported to the Commission that it was physically impossible to hold the poll on the dates originally fixed by the Commission as some part or other of every one of these constituencies was completely snow-bound during the period fixed for the poll and would remain so for many more weeks. They accordingly requested the Commission to adjourn the poll to such time when these areas would get free from snow and it would be feasible to hold the poll. The Commission suitably extended the dates for the poll and the date of completion of the elections in these constituencies. In the Kangra Parliamentary constituency, the poll was ultimately taken during June and July, 1957, while in the Himachal Pradesh, it was possible to take the poll during May and June, 1957. This delay in the completion of elections in these constituencies, did not, however, legally affect the due constitution of the House of the People or the Punjab Legislative Assembly.

It has been stated earlier that the Commission was anxious to avoid the staggering of the poll over too long a period. The poll actually commenced in the country on the 24th February, 1957, and was completed everywhere on the 14th March, 1957.

except in the snow-bound constituencies. In addition, there were a few cases of adjourned poll or repoll at some polling stations elsewhere. This did not affect the general picture however.

The Commission would have preferred to have the poll taken in every Parliamentary constituencies on a single day. This was not found practicable in any area except in the States of Madras and Kerala, the Union territory of Delhi and the big cities and other urban areas in the other States. The poll could not be completed on a single day in every other Parliamentary constituency and had to be spread over two or more days. The poll in every Assembly constituency was generally completed on a single day in every State except in Bihar, Punjab and Rajasthan. In Bihar and Rajasthan most of the Assembly constituencies went to poll for more than seven to thirteen days. This amounts to a staggering of the poll with a vengeance. It is to be hoped that these two States will be able in the future to utilise their resources in a more efficient manner which will enable them to come up to the standards achieved in the other States in this respect.

In Andhra Pradesh, Assam, Bombay, Kerala and Madras, the number of actual polling days totalled four to six only, whereas in other States like Madhya Pradesh, Mysore, Orissa, Punjab, Rajasthan and West Bengal, the number of actual polling days was as large as twelve to eighteen. This does not take into account the poll in the hilly regions of Punjab and Himachal Pradesh.

The dates on which the poll was taken in the various States and the Union Territories will appear from the following table:—

Name of the State or Union Territory	Dates of Poll
1. Andhra Pradesh .	25th Feb., 1st, 4th, 7th and 11th March, 1957.
2. Assam . . .	25th Feb., 2nd, 6th, 9th, 10th, 11th and 15th March, 1957.
3. Bihar . . .	25th, 26th and 28th Feb., 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th March, 1957.
4. Bombay . . .	25th Feb., 2nd, 6th and 11th March, 1957.
5. Kerala . . .	28th Feb., 2nd, 5th, 7th, 9th and 11th March, 1957.
6. Madhya Pradesh	25th and 28th Feb., 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th March, 1957.
7. Madras . . .	1st, 4th, 6th, 8th and 11th March, 1957.
8. Mysore . . .	25th, 26th and 28th Feb., 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, and 12th March, 1957.

- | | | |
|----------------------|----|---|
| 9. Orissa | .. | 24th, 25th and 28th Feb., 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 11th and 12th March, 1957. |
| 10. Punjab | .. | |
| (i) Plains area | .. | 24th, 26th, 27th and 28th Feb., 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th March, 1957. |
| (ii) Hill area | .. | 2nd, 4th, 6th, 8th, 10th, 11th, 14th, 16th, 20th and 25th June, 2nd and 15th July, 1957. |
| 11. Rajasthan | .. | 25th, 27th and 28th Feb., 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 11th and 12th March, 1957. |
| 12. Uttar Pradesh | .. | 25th and 28th Feb., 3rd, 6th, 9th and 12th March, 1957. |
| 13. West Bengal | .. | 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th March, 1957. |
| 14. Delhi | .. | 3rd March, 1957. |
| 15. Himachal Pradesh | .. | 24th, 25th, 26th, 27th, 28th, 29th, 30th and 31st May 1st, 2nd, 3rd, 4th, 5th, 6th and 7th June, 1957. |
| 16. Manipur | .. | 25th Feb., 2nd and 11th March, 1957. |
| 17. Tripura | .. | 1st, 5th, 9th and 12th March, 1957. |

For simultaneous
for Parliamentary
and Assembly
elections.

In every State (except for the Assembly constituencies in the plains areas comprised within the Kangra Parliamentary constituency, and the area of the old State of Andhra), the poll was simultaneous for the Parliamentary and Assembly elections. Different areas in a State went to poll, however, on different days.

In the State of Andhra Pradesh, there was no general elections proper to the Legislative Assembly on a statewide basis. The Legislative Assembly for the original State of Andhra had been constituted afresh only in 1955 through a general election held for the purpose. In the circumstances, it was decided by Parliament that it was unnecessary to dissolve the Andhra Legislative Assembly along with the Legislative Assemblies of the other States on the eve of the second general elections. The Telangana area of the old State of Hyderabad had been added to Andhra to form the new Andhra Pradesh under the States Re-organisation Act. Fresh delimitation had to be made by the Delimitation Commission in respect of this added area and only this area of Andhra Pradesh went to the poll with the rest of the country for electing its representatives to the new Andhra Pradesh Assembly. The Act allowed the sitting members of the pre-existing Andhra Legislative Assembly to continue as members of the new Andhra Pradesh Legislative Assembly and their term of office was also extended by the Act so as to expire in 1962. The whole of Andhra Pradesh would therefore simultaneously go to the poll in that year to elect a new Legislative Assembly for the State.

There were, two existing vacancies in the Legislative Assembly of Andhra in respect of the seats allotted to the

Proddattur and Bhadrachalam constituencies in the old State of Andhra. These constituencies went to the poll along with the newly formed constituencies in the added Telangana area of Andhra Pradesh.

The notifications calling upon these two constituencies as also the constituencies in the Telangana area to elect members to the Andhra Pradesh Legislative Assembly were issued on the 19th January, 1957, by the Election Commission and not by the Governor of the State inasmuch as, according to law, these elections were to be treated as bye-elections and not as part of the general elections. The general elections for constituting the new House of the People, however, covered the entire area of Andhra Pradesh, including both the Telangana area and the area of the old State of Andhra.

It may be mentioned here that the poll for the general elections in 1951-52 was spread over a period of 4 months. Polling for Parliamentary and Assembly constituencies commenced on that occasion on the 25th October, 1951, in Himachal Pradesh and ended on the 21st February, 1952, with the completion of the poll in Uttar Pradesh. During the first general elections, most of the States did not find it feasible or advisable to undertake to complete the poll in a shorter period or even simultaneously with the other parts of India as they considered that it would have meant putting too great a strain on the inadequate manpower and other resources which were available to them.

In the light of experience and with a better organisation, it was found possible during the second general elections to curtail this long period drastically and the poll in the whole of the country except the snow-bound constituencies was completed in less than three weeks. This was a notable improvement in comparison with the first general elections.

It was not, however, physically possible for some of the States with their present resources to attempt to complete the poll in the second general elections within a shorter period. The dearth of polling personnel and of police, as also the difficulties of the terrain and communications and other administrative difficulties, were found by the States to be insuperable difficulties which precluded the practicability of compressing the polling programme any further in the present circumstances.

Although there has been a great improvement in regard to the staggering of the poll during the second general elections, efforts must be constantly directed to reduce the period of the poll still further so that the general life of the community and the transaction of practically all official business may not be held up

Staggering of the poll.

even by one extra day if that can be avoided. Hopes have been expressed that it might be possible in future to reduce the period of the poll to one week in the first instance and ultimately to an even shorter period. That should certainly be the objective to be aimed at, but it is difficult to foresee how long it would take the country to reach this objective.

The Commission would like to mention in this connection that an important limiting factor in some of the States, e.g., Punjab, against any further reduction of the period of the poll is the paucity of the police personnel. These State Governments feel that the problem of law and order renders it unsafe to dilute the deployment of the police force any further in order to complete the poll in a shorter period. Although, therefore, the polling personnel available in such a State might have made it feasible to compress the poll into a shorter period, it had to be staggered in order that adequate police arrangements could be made for ensuring the maintenance of law and order. The Commission is of the view that the law and order problem has been unduly overstressed in these States and that in most areas a less elaborate deployment of the police force would not have involved any real risk. One of the most striking features of the Indian elections during the last few years has been its remarkably peaceful nature. The electorate have demonstrated that so long as the elections are conducted fairly, the poll as a general rule remains orderly and peaceful. In almost every constituency, the police have not had to deal with any serious problem of law and order. For the future, therefore, the Commission would propose that the poll should be invariably completed in every State in as short a period as the available polling personnel is capable of undertaking such completion and that the deployment of the available police force should be adjusted accordingly. Even if this involves the taking of any hypothetical risk from the police point of view, such risk should be faced and the polling programme should not be further staggered merely for that reason.

CHAPTER XII

NOMINATION OF CANDIDATES

It has already been mentioned that in the light of the The law. experience gained in the first general elections of 1951-52, extensive amendments were made to simplify the law and procedure relating to elections. The law relating to the presentation and scrutiny of nomination papers and specifying the requirements of a valid nomination has been materially simplified by some of these amendments. These amendments have dispensed with all intrinsically unnecessary particulars and declarations to be included in a nomination paper. The nomination paper has in fact been simplified as far as practicable.

In order that a person may be qualified to be chosen to Qualification and dis-qualification for membership. fill a seat in the House of the People or the Legislative Assembly of a State he must—

- (a) be a citizen of India;
- (b) not be less than twenty-five years of age; and
- (c) possess such other qualifications as may be prescribed by law.

A candidate is disqualified for election to the House of the People or the Legislative Assembly of a State—

- (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holders;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;
- (e) if he suffers from any other disqualification under the law.

A person is not deemed to hold an office of profit under clause (a) merely because he is a Minister either for the Union or for a State.

Any person whose name is entered in the electoral roll of a Parliamentary constituency in a State for the time being in Eligibility of candidates. force and who is not subject to any of the disqualifications mentioned above, may be nominated as a candidate for election to fill a seat in any Parliamentary constituency in that State or

any other State. But in order to be eligible for election to a seat in the Legislative Assembly of a State, a candidate must be registered as an elector in the electoral roll of an Assembly constituency of that State.

More than one nomination paper can be filed by a candidate but each nomination paper filed by him must have a different proposer. It is no longer necessary under the amended law to have a seconder, nor is it now compulsory for a candidate to appoint an election agent at the time of filing his nomination paper.

If the candidate so desires, he may appoint an election agent at the stage of filing his nomination paper or at any subsequent time. In other words, the appointment of an election agent has been made entirely optional and independent of the nomination.

Filing of nomination papers.

As soon as the notification has been issued calling upon a constituency to elect a member or members to the legislature, the Returning Officer is required to issue a public notice of the election. By this notice the Returning Officer invites nominations. Nominations must be filed within ten days of the notification.

A candidate may present his nomination paper on the very day of the notification or any of the ten days following that day, unless any of these days is a public holiday. Nomination papers may be presented either before a Returning Officer or before any of his Assistant Returning Officers in his office on any of these days at any time between 11 a.m. and 3 p.m.

Every candidate presenting a nomination paper is required to deposit in cash with the Returning Officer or in the Reserve Bank of India or a Government Treasury the appropriate sum under section 34 of the Representation of the People Act, 1951. Except in such cases where the sum is deposited in cash with the Returning Officer, a receipt in proof of the deposit must be enclosed with the first nomination paper presented on behalf of the candidate.

One such deposit only is required from a candidate in respect of his candidature in the same constituency, and once such a deposit has been made, the candidate is not required to make any further deposit in respect of any subsequent nomination papers which may be presented on his behalf in that constituency.

If a candidate offers himself for election in more than one constituency, he must make a separate deposit in respect of each such constituency.

A candidate who is a member of a scheduled caste or a scheduled tribe is entitled to deposit only half the normal rate

of deposit. *He must, however, satisfy the Returning Officer that he is in fact a member of a scheduled caste or of a scheduled tribe.* A candidate who wishes to contest a seat reserved for the scheduled castes or scheduled tribes is compulsorily required to make a declaration to that effect in the nomination paper. If a candidate has not made such a declaration, he is not entitled to contest the reserved seat. But if he belongs, in fact, to a scheduled caste or a scheduled tribe, he can be accepted as a candidate for the unreserved seat, if any, although he may have paid only the concessional rate of deposit.

As each nomination paper is filed, the Returning Officer or the Assistant Returning Officer is required to examine it for technical defects, if any. If there are any clerical or technical errors in the nomination paper, the candidate is allowed to correct the same at this stage. Formal scrutiny of the nomination papers is held, however, on the day fixed therefor at a later stage.

The Returning Officer gives a notice to every candidate of the date and time for scrutiny.

The proceedings relating to the scrutiny of nomination papers are summary in nature and have been made less technical by the recent amendments. The grounds on which a nomination can be rejected have been made simpler so that the Returning Officers may take quick and correct decisions. Scrutiny of nomination papers.

On the day and at the hour fixed for the purpose, the Returning Officer scrutinises all the nomination papers presented to him and the Assistant Returning Officers.

If, at the scrutiny, any objection is raised to any nomination paper, the Returning Officer holds a summary enquiry to decide the same.

A nomination paper cannot be rejected on the ground of any defect which is not of a substantial character. The law requires any mistake or error of a technical or clerical nature to be ignored by the Returning Officer.

A nomination paper is rejected by the Returning Officer if—

- (i) the candidate is clearly not qualified in law to be a member of the legislature concerned, or
- (ii) the candidate is clearly disqualified in law to be such a member, or
- (iii) the nomination paper has not been delivered in time, or
- (iv) the nomination paper has been delivered to the Returning Officer or to the Assistant Returning

Officer by a person other than the candidate himself or his proposer, or

- (v) the nomination paper has not been delivered at the place specified in the public notice issued by the Returning Officer, or
- (vi) the nomination paper has been delivered to a person other than the Returning Officer or any of his Assistant Returning Officers, or
- (vii) the nomination paper is not substantially in the prescribed form, or
- (viii) the nomination paper has not been signed by the candidate and his proposer, or
- (ix) the proper deposit has not been made by the candidate in accordance with section 34 of the Representation of the People Act, 1951.

A candidate to whose nomination paper an objection has been taken may apply for time to rebut such objection. In such a case he is allowed an adjournment upto two days.

An important change made by the law relates to the choice of symbols made by a candidate in the nomination paper. If a candidate has presented more nomination papers than one, the choice of symbols made by him in the nomination paper first delivered is binding on him. A different choice of symbols made in a nomination paper subsequently filed by him is not taken into consideration at all.

Form.

The prescribed form of nomination paper has been made simpler so that a duly qualified candidate may not run any undue risk of his nomination paper being rejected on mere technical grounds.

The Election Commission directed the Returning Officers to accept all nomination papers whether they were in manuscript, typewritten, cyclostyled or privately printed copies of the prescribed form, so long as they conformed to the prescribed form substantially correctly.

A printed form of receipt for the nomination paper as also a notice to the candidate of the date and time fixed for the scrutiny were also incorporated in the nomination paper form so that every candidate might receive the same as soon as he had filed the nomination paper.

Improper rejection
of nomination
papers.

In the general elections of 1951-52 there were numerous instances where nomination papers were rejected on flimsy grounds, *e.g.*, for mistakes made in a nomination paper regarding (a) the year of the election, or (b) the meticulously exact name of the House of the Legislature or the Constituency, or (c) the

description of an electoral roll number, or (d) the choice of symbols. Some nomination papers were also rejected on that occasion by reason of immaterial discrepancies in respect of the age, name or other particulars of the candidate or his proposer as given in the nomination paper compared to the relevant entries in the electoral roll. Such orders of rejection of nomination papers on flimsy or purely technical grounds were improper and led to a large number of election petitions and the eventual setting aside of numerous elections.

The Commission was anxious that similar instances of improper rejections should not occur during the second general elections. The attention of the Returning Officers was pointedly drawn to the important changes in the law in this regard and they were warned by the Commission against improper rejection of nomination papers on flimsy grounds. It was further impressed upon them that there was a legal presumption that every nomination paper was valid unless the contrary was *prima facie* obvious or had been made out.

The following table shows the number of candidates, (i) who filed nomination papers, (ii) whose nomination papers were all rejected, (iii) who withdrew their candidatures, (iv) who were left as contesting candidates after withdrawal, and (v) who retired from the contest subsequent to the last date for withdrawals :—

Statistics.

	No. of candidates who filed nomination papers.	No. of candidates whose nominations were rejected.	No. of candidates who withdrew their candidatures.	No. of contesting candidates.	No. of candidates who retired subsequently.
House of the People.	2,281	44	643	1,594	75
State Legislative Assemblies.	16,484	361	5,329	10,794	617

A total of 93 nomination papers in respect of elections to the House of the People and 839 in respect of elections to the Legislative Assemblies of the various States were rejected by the Returning Officers on various grounds.

While most of the nomination papers were rejected on grounds specified by law, there were a few isolated instances of rejection on flimsy grounds, *e.g.*, choice of only one symbol instead of three in the nomination paper.

No difficulty has been reported in following the amended procedure for the receipt of nominations and their scrutiny.

Working of the amended law.

Some candidates were reported to have filed as many as ten or more nomination papers each in the same constituency. The

Multiple nominations.

number of nomination papers an individual candidate may present is not restricted by law and this omission appears to have been taken undue advantage of. A multiplicity of nomination papers filed by the same candidate unnecessarily increases the labour of the Returning Officer and the other candidates during scrutiny.

The Election Commission considers that the maximum number of nomination papers that may be presented by or on behalf of the same candidate in the same constituency should be restricted to four only—which is a reasonably large enough number for safeguarding the interests of a candidate who may conceivably have been careless in respect of one or two nomination papers. A candidate who is unable to present even one correct nomination paper out of four certainly deserves to have his candidature rejected outright.

CHAPTER XIII

UNOPPOSED RETURNS

The law provides that if in a constituency the number of contesting candidates who remain in the field after the withdrawal of candidatures equals the number of seats to be filled, the Returning Officer shall declare all of them to have been duly elected to the seats. Similarly, if, at a later stage, as a result of the subsequent retirement of any candidates from the contest under section 55A of the Representation of the People Act, 1951, the number of the remaining contesting candidates becomes equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to have been duly elected to fill the seats. The law.

Most of the constituencies return a single member only. All others return two members each. One of the seats in each two-member constituency is reserved either for the scheduled castes or for the scheduled tribes, as the case may be. In a two-member constituency, therefore, unopposed returns would not necessarily be automatic merely because the number of contesting candidates equals the number of seats to be filled.

The following alternatives cover all possible contingencies in this regard :— Alternative cases
in two-member
constituencies

(a) If, there is only one contesting candidate or only one remains after retirements in a single-member constituency or in a two-member constituency at the election in which one seat only is to be filled, that candidate is declared elected.

(b) If, in a two-member constituency, both seats are to be filled at the election, but there is only one contesting candidate, or only one remains after retirements, that candidate is declared elected to the reserved seat if he is a member of the scheduled castes or scheduled tribes, as the case may be, for whom one of the seats has been reserved. Otherwise, he is declared elected to the unreserved seat. In either case, a fresh election has to be held for filling the seat left unfilled.

(c) If, in a two-member constituency, both seats are to be filled at the election and there are only two contesting candidates or only two remain after retirements, they are both declared elected provided at least one of them belongs to the scheduled castes or the scheduled tribes, as the case may be, for whom one of the seats has been reserved.

If both the remaining candidates belong to the scheduled castes or the scheduled tribes, as the case may be, it is decided by lot which of them is to be declared elected to the reserved seat. The other candidate is then declared elected to the unreserved seat.

If neither of the two remaining candidates belongs to the scheduled castes or the scheduled tribes, as the case may be, the election is a contested one and poll must be taken for electing one of them to the unreserved seat. The reserved seat is left unfilled and a fresh election has to be held for filling it.

Unopposed
returns.

During the general elections in 1957, 12 candidates were returned unopposed to the House of the People and 48 to the State Legislative Assemblies. 4 candidates to the House of the People and 9 candidates to the State Legislative Assemblies were returned unopposed as a result of the retirement of the other contesting candidates. All the 12 candidates returned unopposed to the House of the People belonged to the Indian National Congress. Of the candidates elected unopposed to the State Legislative Assemblies as many as 43 belonged to the Indian National Congress while the other 5 were independent candidates.

A statement of uncontested elections is appended at the end of the chapter. This excludes unopposed returns which resulted from retirements of all other contesting candidates.

Unopposed
returns in the
Naga Hills
District.

All the three seats in the State Legislative Assembly allotted to the Naga Hills District of Assam were left unfilled in the first general elections held in 1951-52, the constituencies having failed to elect any members. All these seats were filled unopposed during the general elections in 1957, the candidate returned in each case belonging to the scheduled tribes for whom the seat was reserved.

STATEMENT OF UNCONTESTED ELECTIONS

A. House of the People

Sl. No.	Name of State.	Name of Constituency.	Name of elected candidate.	Party affiliation.
(1)	(2)	(3)	(4)	(5)
1.	Andhra Pradesh	Chittoor	Shri M. V. Gangadhara-siva.	Congress
2.	" "	Rajamundry	Shri Datta Satyanarayana Raju.	"
3.	" "	Vicarabad	Smt. Sangam Bai.	"
4.	Assam	Darrang	Shri Bijoy Bhagavati.	"

Sl. No.	Name of State	Name of Constituency.	Name of elected candidate.	Party affiliation.
(1)	(2)	(3)	(4)	(5)
5.	Assam ..	Cachar	Shri Nibaran Chandra Laskar.	Congress
6.	Bihar ..	Darbhanga	Shri Rameshwar Sahu	,,
7.	Madhya Pradesh	Mandla	Shri Mangrubabu Uike	,,
8.	Mysore ..	Hassan	Shri Siddananjappa	,

B. State Legislative Assemblies

1.	Andhra Pradesh	Begam Bazar	Shri J. V. Narasing Rao	Congress
2.	,,	Banswada	Smt. Seeta Kumari	,,
3.	,,	Wanaparathi	Shri Padmanabha Reddy	,,
4.	,,	Nagarkurnool	Shri P. Mohendranath	,,
5.	Assam ..	Kohima	Shri Saitsuo Angami	Independent
6.	,,	Rupohihat	Maulavi Md. Idris	Congress
7.	,,	Dergaon	Shri Ramnath Das	,,
8.	,,	Naga Hills Central	Shri Khel hose Sema	Independent
9.	,,	Jorhat	Shri Mohidhar Pegoo	Congress
10.	,,	Lakhipur	Shri Ram Prasad Choubey.	,,
11.	,,	Mokokchung	Shri I. Chubatemsu Ao.	Independent
12.	Bombay ..	Jodiya	Shri Kantilal Premchand Shah.	Congress
13.	,,	Limkheda	Shri Virsingbhai Kanjibhai Nisarta.	,,
14.	,,	Bardoli	Shri Kalyanjibhai Vithaljibhai Mehta.	,,
15.	Kerala ..	Manjeswar	Shri M. Umesh Rao	Independent
16.	Madhya Pradesh	Bindranawagarh.	Smt. Shyamkumari	Congress
17.	,,	Saraipali	Shri Jaideo Gadadhar	,,
18.	,,	Alot	Shri Miyaram	,,
19.	Madras ..	Villavankode	Shri M. William	,,
20.	Mysore ..	Sampagaon II.	Shri Nagnur Mugutsab Nabisab.	,,
21.	,,	Afzalpur	Shri Annarao Basappa	,,
22.	,,	Serum	Shri Jamadenda Sarvesh	Independent
23.	,,	Shahpur	Shri Virupakashappa	Congress
24.	,,	Channagiri	Shri Kudur Rudrappa	,,
25.	,,	Baindur	Shri Y. Manjayya Shetty.	,,
26.	,,	Sringeri	Shri Kadidal Manjappa	,,
27.	Orissa ..	Satyabadi	Shri Nilakantha Dass	,,
28.	Punjab ..	Rewari	Smt. Sumitra Devi	,,
29.	Rajasthan ..	Malpura	Shri Damodar Lal Vyas	,,
30.	,,	Rajgarh	Shri Hari Kishan	,,
31.	,,	Chhabra	Shri Dhanna Lal Harit	,,
32.	,,	Sagwara	Shri Bheeka Bhai	,,
33.	,,	Raisinghnagar	Shri Chuni Lal	,,
34.	Uttar Pradesh ..	Silhat	Dr. Sita Ram	,,
35.	,,	Tehri	Shri Surat Chand	,,
36.	,,	Deoprayag	Smt. Vinaylaxmi Suman	,,
37.	,,	Rawain	Shri Jayendra Singh Bisht.	,,
38.	,,	Kanth	Shri Jitendra Pratap Singh.	,,
39.	West Bengal ..	Chopra	Shri Mohammad Affaque Chowdhury.	

CHAPTER XIV

WITHDRAWAL OF CANDIDATES

The law.

A candidate is entitled to withdraw his candidature on or before the last date fixed by law for such withdrawal which is the third day after the date for the scrutiny of nominations, or, if that day is a public holiday, the next succeeding day which is not a public holiday. The withdrawal must be made by the candidate himself by a notice in writing. This notice is required to be delivered to the Returning Officer either by the candidate personally or by his proposer or election agent who must have been authorised in writing in this behalf by the candidate. A notice of withdrawal of his candidature once given by a candidate is binding on him and he is not allowed to cancel the same and continue as a candidate. As soon as a valid notice of withdrawal is received by the Returning Officer, he is required to give notice of such withdrawal on his notice board.

Statistics.

Out of 2,237 candidates validly nominated for election to the House of the People in the second general elections, 643 withdrew their candidatures in time. Out of 16,123 candidates validly nominated for election to the State Legislative Assemblies, as many as 5,329 withdrew their candidatures. The reason for the large proportion of candidates who withdrew appears mainly to have been the practice almost universally followed by every political party of putting up in addition to its principal candidate in every constituency one or more covering or shadow candidates who are required to withdraw from the contest as soon as the nomination paper of the principal candidate set up by the Party has been accepted. The detailed information State-wise in respect of withdrawals is given in the following table :—

Sl. No.	Name of State or Union Territory	Total No. of validly nominated candidates		Total No. of withdrawals.	
		House of the People	Legislative Assembly	House of the People	Legislative Assembly
(1)		(2)	(3)	(4)	(5)
1.	Andhra Pradesh	178	474	62	155
2.	Assam	34	380	3	69
3.	Bihar	231	1,897	36	503
4.	Bombay	261	1,980	95	834
5.	Kerala	69	543	9	137
6.	Madhya Pradesh	208	1,765	83	657
7.	Madras	202	1,254	48	367
8.	Mysore	85	939	21	349

(1)	(2)	(3)	(4)	(5)
9. Orissa	64	621	7	104
10. Punjab	131	1,252	46	591
11. Rajasthan	139	1,374	60	636
12. Uttar Pradesh	411	2,503	116	744
13. West Bengal	127	1,141	26	183
14. Delhi	47	—	17	—
15. Himachal Pradesh	28	—	10	—
16. Manipur	11	—	—	—
17. Tripura	11	—	4	—
TOTAL	2,237	16,123	643	5,329

CHAPTER XV

RETIREMENT OF CANDIDATES

The law.

A rather novel and unusual provision was introduced in the electoral law by the amending Act of 1956 according to which a candidate has a right to "retire" from the contest at any time upto 10 days before the date of commencement of the poll. Under the old law a contesting candidate had no such right to "retire". A candidate whose nomination paper had been found to be valid could only withdraw his candidature upto the last day fixed for such withdrawals. This right to withdraw still remains. The candidates who have not thus withdrawn are known as contesting candidates. Under section 55A of the amended Act, a contesting candidate has now been given the right to 'retire' from the contest on any day not later than 10 days before the date of poll in the constituency, or, where there are more polling days than one in the constituency, not later than ten days before the first of the dates fixed for the poll.

A candidate may retire from contest by delivering a notice in the prescribed form to the Returning Officer or to any of his Assistant Returning Officers between 11 a.m. and 3 p.m. on any day within the prescribed time limit. Only the candidate in person or an agent duly authorised by him in writing for the purpose is entitled to deliver the notice of retirement. A notice of retirement is invalid and is of no effect if—

- (i) it has been delivered less than 10 days before the commencement of the poll; or
- (ii) it has not been signed by the candidate himself; or
- (iii) it has been delivered to any person other than the Returning Officer or any of the Assistant Returning Officers; or
- (iv) it has been delivered at any hour other than between 11 a.m. and 3 p.m. on any day; or
- (v) it has not been delivered by the candidate in person or by his agent duly authorised in writing to do so.

If a candidate has validly retired in accordance with the prescribed procedure, the Returning Officer is required to give publicity to the fact of such retirement by—

- (a) affixing a copy of the notice to the notice board in his office;

- (b) supplying a copy of the notice to each of the remaining contesting candidates or his election agent; and
- (c) publishing the notice in the official gazette (the Gazette of India for elections to the House of the People and the State Gazette for elections to the Legislative Assembly of the State).

A candidate who has validly retired from contest ceases to be a candidate thereafter and cannot cancel his retirement and continue to remain a candidate.

The Election Commission has prescribed certain safeguards to cover cases in which the Returning Officer does not personally know the candidates and their authorised agents. There is a risk of impersonation in such cases in connection with the presentation of the notice of retirement. In fact, a case actually occurred in the Raipur District of Madhya Pradesh in which the Election Tribunal decided that there had been impersonation in the presentation of the notice of retirement by a candidate. As a result, the retirement was held to be invalid and the election of the returned candidate was declared void. If the provision for the retirement of candidates is not deleted as recommended hereafter by the Commission, an amendment of the law appears necessary requiring that if the person presenting a notice of retirement is not personally known to the Returning Officer, he must be identified before the Returning Officer by some one personally known to the latter. A similar amendment may also be made in respect of notices of withdrawal of candidatures under section 37 of the Representation of the People Act, 1951.

Safeguards.

Immediately after symbols have been allotted to the contesting candidates, the Returning Officer has to arrange for the printing of the postal ballot papers in the prescribed form. Postal ballot papers are required to be sent by registered post as early as possible to the voters entitled to vote by post. Ordinary ballot papers also have to be printed at that stage if the poll is to take place in accordance with the marking system of voting. In view of this, the provision of the law allowing contesting candidates to retire until a much later stage gives rise to serious practical and administrative difficulties. Instances have occurred where contesting candidates retired after the postal ballot papers containing their names had been despatched to the electors entitled to vote by post. These ballot papers cannot be recalled and votes recorded by electors in favour of any of the retired candidates were necessarily wasted.

Difficulties arising from retirement of candidates.

A total of 75 candidates at elections in Parliamentary constituencies and 617 candidates at elections in Assembly constituencies retired from contest.

Statistics.

The party-wise break-up of the candidates who retired from contest in the general elections of 1957 is as follows :—

Name of the Party			Elections in Parliamentary constituencies	Elections in Assembly constituen- cies
The Indian National Congress .. ..	..	..	—	7
The Praja Socialist Party .. ..	..	..	5	27
The Communist Party of India .. ..	..	..	1	10
The All India Bhartiya Jan Sangh .. ..	..	..	3	30
Other Parties and Independents .. ..	..	..	66	543
TOTAL			75	617

Detailed information in respect of retirements has been tabulated in the statements appended at the end of this chapter.

In a few cases, ballot boxes were allotted to a retired candidate and placed in certain polling stations due to the mistake of the presiding officers. All the ballot papers found in the ballot boxes of the retired candidates at the time of counting had necessarily to be rejected and these votes were wasted. As it happened, after considering the report of the Returning Officer, the Commission did not find it necessary in any of these cases to order a re-poll in any of these polling stations inasmuch as the difference of votes between the two top candidates was greater than the number of rejected votes polled in favour of the retired candidate. These incidents afford another proof of the scope created by this provision for confusion and mistakes on the part of the polling personnel, the polling agents of candidates and the voters.

It has been generally felt that the provision for retirement also leaves ample scope for abuse inasmuch as more time is available for manoeuvring by a candidate who may be inclined to extract a price from a rival candidate for retiring from the contest. An unfair and unwelcome feature of the matter is that even an honest candidate who has *bonafide* retired from the contest at once becomes subject to a suspicion that he has obtained a consideration for retiring.

Apart from this, the provision gives rise to many other serious administrative difficulties. Until 10 days before the commencement of the poll, no Returning Officer can be certain as to how many candidates would be ultimately left in the field for the poll. He cannot, therefore, form a correct estimate as to the number of ballot boxes or the varieties of symbols that he would have to supply to each polling station. Transport arrangements have as a consequence to be left fluid until a very late stage. If a candidate chooses to retire at the very last stage,

notices etc. containing the list of contesting candidates have to be amended at the eleventh hour. Instructions already given to the Presiding and Polling Officers have to be superseded or amended materially at a very short notice in the light of any retirements that may have taken place. All this cannot but cause confusion and result in mistakes.

From the point of view of the candidates and the voters also, the provisions of section 55A of the Act have resulted in practical inconvenience. A candidate naturally instructs his supporters amongst the electorate about the total number of ballot boxes which they would find in the polling compartment during the poll and the relative position of his own ballot box amongst them. As a result of retirements, these instructions become out of date and are likely to mislead the voters. The voters on their part also cannot but get confused when on the day of the poll they find a smaller number of ballot boxes in the polling compartment than what they had expected or been told about.

Under the new or "marking" system of voting, any retirement of contesting candidates cannot but cause much greater inconvenience. As in the case of postal ballot papers, the ordinary ballot papers have to be printed immediately after the last date fixed for withdrawals and the names and the symbols of the candidates who retire subsequent thereto cannot be omitted from the ballot papers and there is a risk of many votes being wasted at the poll as a result. Even if the names of the retired candidates could be scored out on the ballot papers, the same difficulties would be experienced by the candidates and voters as described in the preceding paragraph.

The Commission is of the opinion that the main object for which section 55A of the Representation of the People Act, 1951, was inserted by the amending Act has not been achieved. No doubt in a very few cases, the retirement of some contesting candidates resulted in uncontested elections and avoided the actual holding of a poll. It may be reasonably argued, however, that if there has been no provision in law allowing the retirement of contesting candidates, the candidates who were not serious and ultimately retired would have mostly withdrawn their candidatures at an earlier stage and these very elections would have turned out to be uncontested in any case. Even assuming that the provision has yielded a few uncontested elections, it stands condemned in the Commission's opinion as it has merely created serious practical and administrative difficulties in the actual conduct of the poll in addition to giving rise to an even more objectionable feature, namely, widespread allegations—legitimate or otherwise—that one or the other of the remaining candidates took recourse to unfair or dishonest means in order to prevail upon these particular rival candidates to retire from the contest. **Recommendation.**

From the point of view of the purity of elections and administrative considerations, the Commission strongly recommends in these circumstances that this provision should be deleted from the Statute Book at the earliest opportunity.

NUMBER OF CANDIDATES WHO RETIRED

Sl. No.	Name of the State or Union Territory				Number of candidates who retired	
					House of the People	Legislative Assembly
1. Andhra Pradesh	4	22
2. Assam	—	5
3. Bihar	6	56
4. Bombay	7	74
5. Kerala	2	17
6. Madhya Pradesh	4	79
7. Madras	12	97
8. Mysore	2	28
9. Orissa	—	9
10. Punjab	7	75
11. Rajasthan	19	84
12. Uttar Pradesh	3	48
13. West Bengal	3	23
14. Delhi	3	—
15. Himachal Pradesh	3	—
16. Manipur	—	—
17. Tripura	—	—
TOTAL				..	75	617

STATEMENT OF UNCONTESTED ELECTIONS DUE TO RETIREMENT

A. House of the People

Sl. No.	Name of the State	Name of Constituency	Name of elected candidate	Party affiliation
1. Andhra Pradesh		Rajampet	Shri T. N. Viswanatha Reddi	Congress
2. Bihar	..	Sasaram	Shri Jagjiwan Ram	„
3. Madras	..	Tiruchendur	Shri T. Ganapathy	„
4. Mysore	..	Kolar	Shri Doddathimmiah	„

B. Legislative Assemblies

Sl. No.	Name of the State	Name of Constituency	Name of elected candidate	Party affiliation
1.	Madhya Pradesh	Panagar	Shri Parmanand Mohanlal	Congress
2.	" "	Birendra-nagar	Smt. Rani Padmawati	"
3.	" "	Bichhia	Shri Baredi	"
4.	" "	Harsud	Shri Ram Singh Gobla	"
5.	" "	Sanchi	Shri Daulat Singh Raja	"
6.	" "	Masturi	Shri Ganesh Ram	"
7.	Madras	Killiyoor	Shri A. Nesamony	"
8.	"	Nambiyur	Shri K.L. Ramaswami	"
.	Mysore	Karkal	Shri Ullal Manjappa	"

CHAPTER XVI

ELECTION, COUNTING AND POLLING AGENTS

Election agents.

During the first general elections in 1951-52, the law required that every candidate must, before presenting his nomination paper, appoint in writing either himself or some other person to be his election agent. The form of nomination paper then prescribed contained a declaration to be compulsorily signed by the candidate recording the appointment of his election agent. Quite a considerable number of nomination papers were rejected by the Returning Officers on that occasion for failure on the part of candidates to make the appointment of their election agents in accordance with the law.

The experience gained during the first general elections made it clear that the provision requiring the compulsory appointment of election agents was not very popular with the candidates. In fact the great majority of the candidates appointed themselves as their own election agents. The law was accordingly amended and its provisions were greatly simplified so far as they related to the appointment of election agents.

According to the amended law, it is no longer necessary or incumbent on a candidate to appoint any election agent at all. An election agent may now be appointed at any stage at the candidate's option. In other words, the appointment of an election agent has been made entirely optional.

If an election agent has been appointed, the candidate may, of course, revoke the appointment at any time by a letter in the prescribed form which takes effect as soon as it is lodged with the Returning Officer. If an election agent's appointment has been revoked or if he dies, the candidate may appoint another election agent in his place.

Counting agents.

Under the amended law, votes are to be counted polling station-wise and not candidate-wise as was the case during the general elections of 1951-52. The Returning Officer decides the number of polling stations the ballot boxes from which would be counted simultaneously. The number of counting agents that each candidate is permitted to appoint materially depends on that decision.

The total number of counting agents a candidate may appoint in law cannot exceed twelve at each place of counting. During the first general elections, only one counting agent could be appointed by a candidate. The law has thus been considerably liberalised in favour of the candidates.

The number of counting agents that a candidate is allowed to appoint is fixed by the Returning Officer subject to the legal maximum of twelve and to the directions issued by the Election Commission. The Commission directed that a candidate may appoint counting agents according to the following scale :—

(1) If the number of candidates is not more than three, one counting agent may be appointed by each candidate to attend to the counting of ballot papers contained in every three of the ballot boxes allotted to any particular candidate which are being counted at the same time; thus if there are two or three candidates and twelve ballot boxes of each candidate are counted simultaneously, a candidate may respectively appoint eight or twelve counting agents in all.

(2) If the number of candidates is more than three, one counting agent may be appointed by each candidate to attend to the counting of the ballot papers contained in as many ballot boxes allotted to each of the candidates as there are contesting candidates: thus, for instance, if there are four, five or six candidates, each of them may appoint one counting agent to attend respectively to the counting in respect of every set of four, five or six ballot boxes of every candidate which are being counted at the same time.

(3) If the number of contesting candidates is more than twelve, or if the number of counting agents a candidate has appointed is less than the number of candidates, one or more counting agents of each candidate would be required by the Returning Officer to attend to the counting of ballot boxes of more candidates than one, the number of such candidates depending on the circumstances of each particular case.

(4) If the total number of ballot boxes of each candidate which are counted at the same time is less than the number of candidates, each candidate may appoint one counting agent to attend to the counting of the ballot papers contained in all the ballot boxes allotted to each candidate.

(5) A candidate may appoint one additional counting agent, subject to the maximum of twelve counting agents in all, if he is himself absent at the place of counting.

(6) A candidate may also appoint one additional counting agent subject to the maximum of twelve counting agents in all, if he has no election agent or if his election agent is absent at the place of counting.

The Commission issued directions at variance with the above scheme whenever the Returning Officer in any particular case made out a case for such special direction.

During the general elections of 1957 the total number of counting agents who were present at the time of counting of

the votes at all the counting centres was 11,893 for the House of the People and 55,748 for the Legislative Assembly elections.

Polling agents.

In 1951-52, the law required that every polling agent must be appointed by a candidate at least three days before the commencement of the poll and the candidate must give notice of all such appointments to the Returning Officer. Many candidates found it impossible to adhere to this time-limit or to comply with the requirement that notice of such appointment must be given to the Returning Officer. This resulted in serious hardship in many cases. The law has accordingly been suitably amended.

Under the amended law, the notice of appointment of a polling agent is to be delivered direct to the Presiding Officer on the day of poll itself. It is, therefore, no longer required that any such appointment should be reported to the Returning Officer. This amendment has removed a good deal of inconvenience to the candidates. The Returning Officers also have been relieved of a large volume of unnecessary routine work in forwarding the letters of appointment of polling agents to each Presiding Officer as they had to do under the old law.

Polling agents are the representatives of the candidates at the polling stations for which they are appointed. Polling agents can and should play a very important role in the actual taking of the poll which is the most vital part of an election.

It is very important that the Presiding and Polling Officers on the one hand, and the candidates and their polling agents on the other, clearly appreciate their duties and responsibilities at the poll and carry them out intelligently and in a co-operative spirit. For the convenience of the candidates, a comprehensive hand book containing all the information and advice they require was prepared by the Election Commission. Another hand book was also prepared for the benefit of the polling agents whose attention was specifically drawn to the salient points which they should bear in mind at the polling station. These hand books were made available for sale before the general elections and are said to have been found useful.

One of the main duties of a polling agent is to see that the interests of his candidate do not suffer in any way at the polling station where he serves as a polling agent. His other duties are (a) to help the Presiding Officer to detect and prevent impersonation of voters by challenging persons who attempt impersonation, (b) to see that the ballot boxes are properly secured and sealed according to the Rules and the instructions before and after the poll, and (c) to see that the documents relating to the poll are also secured and sealed properly at the end of the poll as required by law.

Every candidate is entitled to appoint one polling agent and two relief agents for each polling station in the constituency. Only one of the polling agents of a candidate is, however, entitled to enter the polling station at a time. One of the relief agents can take the place of the polling agent whenever the latter goes out of the polling station.

A form has been prescribed for making the formal appointment of a polling agent. Every polling agent is required to produce his letter of appointment at the polling station on the day of the poll. Unless he does so, he cannot be admitted into the polling station.

It was found that many candidates were not in a position to appoint polling agents for every polling station within their respective constituencies. They evidently contented themselves by depending on the sense of fairness of the polling staff. In respect of elections to the House of the People and Legislative Assemblies, the number of candidates who did not appoint any polling agents at all were 70 and 399 respectively. This shows a welcome and growing confidence of the parties and the candidates in the election machinery.

In general the election, polling and counting agents performed their duties efficiently and in accordance with the law. Generally no difficulty was experienced by the Returning Officers and the Presiding Officers in dealing with them.

CHAPTER XVII

THE POLL

The law.

In the first general elections in 1951-52, a polling station often contained more than one polling booth located in the same premises. The same Presiding Officer was placed in charge of all the booths in the same polling station. This arrangement gave rise to confusion and misunderstanding at many polling stations and it was decided that what was originally described as a polling booth should be considered to be a full-fledged polling station although more than one such polling station might be located in the same premises and placed in charge of the same Presiding Officer. The law was amended accordingly. The provision permitting the setting up of more than one polling station in the same premises under the same Presiding Officer was made use of by the Returning Officers wherever the available number of suitable Presiding Officers was inadequate.

The law requires the Returning Officer to provide a sufficient number of polling stations in each constituency with the previous approval of the Election Commission. The preparation of the list of polling stations for the newly delimited constituencies was taken up towards the end of 1955.

Scheme of polling stations.

In order to make adequate arrangements for the taking of the poll of 193,646,069 electors at 220,478 polling stations it was necessary to harness practically the entire Governmental machinery and resources, and meticulous organisation and detailed planning in advance were called for.

While drawing up a scheme of polling stations, the Returning Officers were directed by the Election Commission to follow the following principles :—

- (i) not more than 1,000 voters should normally be assigned to any polling station;
- (ii) in an urban area, not more than 4 polling stations and in rural areas, not more than 2 polling stations should be located in the same building in order to avoid overcrowding and confusion and to facilitate the maintenance of order;
- (iii) where absolutely necessary, separate polling stations for men and for women voters should be provided;
- (iv) a voter should not ordinarily be required to travel more than three miles to reach his polling station;
- (v) no polling station should be located in a place of religious worship. As far as possible, polling

stations should be located in schools and Government buildings. Where such buildings are not available, private buildings should be requisitioned; otherwise, temporary structures should be erected; and

- (vi) no polling station should be located in any building belonging to any political party or known to belong to any prominent or active member of any of the political parties.

Every Returning Officer was required by the Commission to consult the political parties and the local members of the Legislatures before taking a final decision on the list of polling stations proposed for the constituency. This was done and valuable assistance was received from those consulted in arriving at the final decision. Naturally, much fewer complaints were received this time regarding the location and number of polling stations as compared to the first general elections.

Consultation with political parties and Legislators.

In all 18,379 private buildings were used as polling stations. Due to the absence of suitable buildings, recourse had to be taken in some areas to the erection of temporary structures to serve as polling stations. In all 27,985 temporary structures were erected at an approximate cost of Rs. 17,85,435. The temporary structures served the purpose well and in no case had the poll to be adjourned because any such structure proved unsuitable.

Availability of buildings for polling stations.

Central and State Governments now-a-days have an extensive programme of construction of school houses and other public buildings like community halls, panchayat ghars and so on. Periodical elections have become a normal and permanent feature of the nation's life. The Commission would suggest that every such public building which may be constructed in future years may be so planned that they may be conveniently used as polling stations at the time of elections. This would in course of time remove the acute shortage of suitable buildings for polling stations which is now felt in many areas and which occasions a good deal of avoidable public expenditure, as also, hardship and inconvenience to voters and the polling staff at the time of the poll.

Recommendation.

Men and women voters normally voted at the same polling station. As far as practicable, a woman was appointed at every polling station to assist the Presiding Officer. Wherever social customs and tradition made it difficult for women to vote at polling stations where men would also vote, separate polling stations were set up exclusively for them and as far as possible, women polling officers were employed at such polling stations.

Separate polling stations for women voters.

Manner of publication of the list of polling stations.

The Commission prescribed the manner in which the finally approved lists of polling stations were to be published in every constituency so that the contesting candidates and the voters could, without difficulty, know at which polling station each voter was required to cast his vote. The Commission also directed that every candidate should be supplied, free of cost, with two copies of the list of polling stations in his constituency. Similarly, each political party recognised or unrecognised, that participated in the election in a constituency was to be supplied with two copies of the list of the polling stations in the constituency.

The poll.

In 48 Assembly and 12 Parliamentary constituencies the election was uncontested and no poll was required to be taken. Poll was taken in all other constituencies. Except in some constituencies in the hilly regions of the State of Punjab and in the Union territory of Himachal Pradesh where parts of the constituencies were snow-bound and inaccessible at the time, the poll commenced in the rest of the country on the 24th February, 1957, and was completed everywhere by the 14th March, 1957. In the snow-bound areas, the poll had to be postponed and was taken in the months of June and July, 1957, as soon as each constituency was free from snow and it became feasible to send the polling parties there.

Staggering of the poll.

Due to the paucity of staff, lack of sufficient transport and the limited police force available for manning the polling stations whose number had increased to 220,478 as compared to 196,084 polling booths in the first general elections in 1951-52, it was physically impossible to take the poll in the entire country on one single day which, of course, would be the ideal. For reasons recorded in detail in the Report on the first general elections, the poll had to be spread over on that occasion between the 10th December, 1951, and the 21st February, 1952, leaving out of account the snow-bound constituencies which had gone to poll earlier. Such a long polling programme is undesirable and every effort was made in the second general elections to telescope the poll in the whole of the country to a fortnight. After long-drawn consultations with the Government of India, the State Governments and the All-India parties, the Commission decided that except for the snow-bound constituencies the poll would be completed in the whole country within a period of three weeks. As it was not possible to provide a separate polling party for every polling station, each such party was ordinarily required to take the poll in two, three or four polling stations on different days. These polling stations usually being widely separated from each other, an interval of two or three days had often to be provided for in between two dates of actual poll in order to

enable the polling party to move from one polling station to another. Except for the snow-bound constituencies in Himachal Pradesh and the Punjab hills, the poll was completed between the 24th February, 1957, and the 14th March, 1957. The period of the poll was thus reduced from 120 days in 1951-52 to 19 days in 1957, quite a notable and welcome improvement.

It should be possible to reduce the period of the poll still further in the future when a considerably larger polling personnel should be available from the fast expanding civil services of the numerous government departments. In fact, the Commission feels that the polling programme could have been reduced still further even for the second general elections if there had not been a strong reluctance on the part of many of the State Governments to stretch the police force further by reducing the strength of the Police component of the polling parties. The Election Commission is of the opinion that the poll should be staggered in a State only to such extent as is unavoidable by reason of the insufficiency in the number of Presiding and Polling Officers and that the available police force should be deployed to the best advantage so as to fit in with a shorter polling programme which can be thus achieved. In all but very rare instances, the Indian electorate have conducted themselves on every occasion with exemplary discipline and good humour in spite of long waits in queues and at times in trying and inhospitable climatic conditions. It is enough, therefore, to take elaborate police precautions only in such constituencies where the contest is specially keen and feelings run high and to dilute the strength of the police personnel detailed in other constituencies where the contest is not so keen or exciting. A sufficiently strong mobile police force may be stationed at convenient centres, as usual. If this be done, there would not be any real risk in departing from the orthodox scale of the police component of a polling party. Such a policy would in most cases make it possible for a considerably larger number of polling parties to operate on every day of the poll than has been hitherto considered as practicable. If in any rare case there is unfortunately any unexpected breach of peace or any real apprehension thereof, the Presiding Officer can always adjourn the poll.

Further reduction
of the staggering
of the poll.

Every day of poll in a constituency was declared a local holiday in the constituency by the Governments.

Polling day a
holiday.

Shortly before the commencement of the poll in the country, the Commission received an interesting suggestion as an aid to the authorities for preserving law and order on the polling day. It was suggested that the day on which an area goes to the poll should be declared a "dry" day in that area if the State has not already enforced prohibition and that so far as necessary for

Polling day
"dry" day.

achieving the purpose, any other neighbouring area not going to the poll on that day should also, go dry so that no alcoholic beverage might be available to the rowdy elements in the locality.

The Commission considered this to be a good suggestion and recommended it to the State Governments. Some of the States *e.g.*, Rajasthan and West Bengal did not consider the step necessary as they did not anticipate any threat to law and order from the sale of liquor. The States of Andhra Pradesh, Assam, Bihar, Mysore, Madhya Pradesh, Uttar Pradesh and Kerala issued orders closing all toddy and liquor shops not only in the constituency going to the polls on a particular day but in the neighbouring areas as well. Closure of all bars attached to restaurants was also ordered for the polling day. In the State of Bombay, in so far as the non-prohibition areas were concerned, the State Government issued orders banning the sale of intoxicating liquors on polling days. The Punjab Government considered that the suggestion had come too late for implementation.

The Commission would recommend the suggestion for adoption by all the States in future elections.

Facilities for individual voters to cast vote.

The Returning Officers were advised by the Commission to persuade the authorities of every commercial and industrial concern in their constituencies to allow their labourers and other employees leave of absence from duty for a reasonable period during the polling hours on the polling day so as to enable them to exercise their franchise.

The Commission also requested every State Government that the programme for the School and the University Examinations might be adjusted as necessary whenever the time-table for the general elections happened to clash with the same. No difficulty was reported in this regard from any State.

Vote by postal ballot.

Under the law the following categories of voters are entitled to vote by postal ballot :—

- (i) members of the Armed Forces of the Union;
- (ii) persons holding certain specified offices in India declared by the President to be an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950, apply; (The persons who have been so declared are the President, the Vice-President, the Governors, the Speaker and the Deputy Speaker of the House of the People, the Chairman of the Council of States, the members of the Central and State Cabinets and the like);

- (iii) persons employed under the Government of India in posts outside India;
- (iv) wives of the persons mentioned in items (i), (ii) and (iii) if they are ordinarily resident with their husbands;
- (v) persons subjected to preventive detention; and
- (vi) public servants on election duty and polling agents who are prevented by reason of their duties as polling agents from voting in person at the polling stations where they were normally entitled to vote, provided they applied in time for the facility of the postal ballot.

The Returning Officers despatched postal ballot papers to every voter entitled to vote by postal ballot. The day preceeding the date fixed for the counting of votes in the constituency was usually fixed as the last date for the receipt of the postal ballot papers from the electors.

It has been experienced that the bulk of the electors entitled to vote by post do not make use of the facility; obviously, the contesting candidates cannot, or do not, exert themselves to reach such voters in their election campaigns.

Due to the reorganisation of States which resulted in the transfer of a good number of employees from one State to another, some of the employees did not have the facility of exercising their franchise. Although the reorganisation of States is now over, such cases are bound to arise in the future also as a result of the transfer of Government officers within a State. A provision should be made in the Act extending the facility of postal ballot to transferred Government servants.

Extension of
postal ballot.

In consultation with the State Governments the Commission fixed the following hours of poll :—

8 hours poll in Andhra Pradesh, Madras, Mysore, West Bengal, Assam, Bihar, Bombay, Madhya Pradesh, Orissa, Punjab, Rajasthan, Uttar Pradesh, Delhi, Manipur and Tripura.

8½ hours poll in Kerala, and

9 hours poll in Himachal Pradesh.

The polling hours provided for an interval of one hour for Lunch interval. lunch in Andhra Pradesh, Madras, Mysore, West Bengal and Tripura. In Kerala, the interval was half an hour only. The other States and Union territories managed without any break for lunch. The Commission feels that the practice should be uniform in this respect throughout the country and that the provision of a break for lunch in the midst of the poll should be

discontinued everywhere. Such a break works hard on the voters waiting in the queue for long hours in order to cast their votes. Women voters, particularly those with babies in their arms, find it difficult to go on waiting in the middle of the day under the blazing sun for half an hour or one hour for the lunch interval with the queue standing still. The Commission has therefore consistently pressed the States for doing away with the lunch interval. The majority of the States and Union territories have now decided to do without the interval. The Commission hopes that it will be possible to do so in every State by the time the third general elections are held.

Percentage of the poll.

The percentage of poll varied widely from constituency to constituency. The maximum and minimum percentages occurred in the following constituencies:—

Parliamentary constituency	Percentage of polling	Assembly constituency	Percentage of polling
154-Kottayam (Kerala)	75.68	200-Karad North (Bombay)	83.20
263-Kangra (Punjab)	16.94	11-R. Udaigiri (Orissa)	11.62

Not a single vote was cast at the following polling stations :—

Name of the State or Union Territory	Name of the polling station	Name of the Parliamentary constituency
Andhra Pradesh ..	No. 3 Pentikota	1—Srikakulam
	No. 42 Mondemkhal	2—Parvathipuram
	No. 64 Rambilli	4—Golugonda
	No. 41 Yeruvani Lanka	7—Narasapur
	Nos. 4, 5 & 6 (Gandrayi village).	10—Vijayawada
	No. 35 Unichintala	20—Anantapur
	No. 46 Thaticharla	23—Kurnool
Bihar	No. 113 Ghansadih Colliery	83—Dhanbad
Bombay	No. 56 Ugamana Bara	94—Halar
Madras ..	No. 3 Pappinaickenpatti	222—Namakkal
	No. 5 Pappinaickenpatti	222—Namakkal
	No. 45 Ramnaicken-palayam	222—Namakkal
	No. 47 Ramnaicken-palayam	222—Namakkal
	No. 22 Pudipalapatti	202—Chidambaram
Kerala	No. 62 Pottiam	202—Chidambaram
	No. 43 Aided Elementary School, Muliguddi	164—Kasergod
West Bengal ..	No. 42 Haldibari H.E. School	366—Cooch Behar
Rajasthan ..	No. 13 Bodamli	288—Banswara
Delhi	No. 415 Govt. High School for Boys, Tilak Nagar "B".	397—Outer Delhi

Apart from these exceptional cases, the polling stations where the highest and the lowest number of votes were polled were the following :—

Name of polling station	Total No. of voters	No. of voters who cast their votes
25-Padgal } (Andhra Pradesh)	821	821
49-Marpadga }	685	685
16-Sreekandapuram (Kerala)	255	255
Moppila Elementary School		
82-Marudur (Madras)	417	417
9-Kotabhavi (Mysore)	12	12
47-Munirabad Dam-site (Mysore)	1,269	1 (Lowest,

Out of a total of 193,646,069 voters 92,064,682 cast their votes for elections to the Parliamentary constituencies. The percentage of the poll was 47.54% compared to 51.15% in the first general elections in 1951-52. As regards Assembly constituencies, the overall percentage of the poll was 48.23% in the second general elections.

During the first general elections there were 93 cases in the whole of India in which the poll had to be adjourned under section 57 of the Representation of the People Act, 1951, for the following reasons :— *Adjourned poll and re-poll.*

- (i) interchange of ballot papers;
- (ii) non-supply of the electoral roll at the polling stations;
- (iii) breach of law and order;
- (iv) loss of ballot papers;
- (v) inclement weather;
- (vi) defective ballot boxes;
- (vii) defective indelible ink;
- (viii) mistake in pasting symbols on the ballot boxes;
- (ix) failure to provide a sufficient number of ballot boxes; and
- (x) tampering of ballot boxes or paper seals during poll.

The number of polling stations at which adjournment of poll was ordered was 34 only in the last general elections. The reasons for adjournment were as follows :—

Reasons for adjournment	No. of polling stations
(i) Breach of law and order	4
(ii) Defective ballot boxes	2
(iii) Inadequate space inside polling stations	2

Reasons for adjournment	No. of polling stations
(iv) Inclement weather	14
(v) Supply of wrong electoral rolls	1
(vi) Poll for one polling station held in another polling station due to mistake on account of identical name ..	1
(vii) Accidental fire	1
(viii) Interchange of ballot papers	2
(ix) Mistake in the issue of ballot papers in the serial order ..	1
(x) Interchange of ballot boxes	2
(xi) Mistake in pasting symbols on the ballot boxes	2
(xii) Wrong allotment of symbols	1
(xiii) Tampering of ballot boxes	1
TOTAL	34

Re-poll had to be ordered in the first general elections at 107 polling stations on account of ballot boxes having been found damaged at the time of counting. During the last general elections, however, fresh poll was ordered only in 31 cases. It is satisfactory to note that instances of adjourned poll and re-poll fell materially in the last general elections as compared to the first.

Recommendation. In fact, a strict interpretation of the law would have occasioned a larger number of repolls. The Commission, however, decided to do without a re-poll whenever it was found that it would make no difference to the result of the election in the constituency. The law should be amended so as to specifically vest in the Commission full discretion to decide whether a re-poll should be held in a polling station on account of an irregularity committed in conducting the poll.

Personation. As in the first general elections, the left forefinger of every voter was marked with indelible ink before any ballot paper was issued to him. With a view to reduce the chances of impersonation further, every voter at all polling stations in constituencies situated in big cities and towns like Calcutta, Bombay and Madras was also required to put his signature or thumb impression on his official identity slip.

These precautions cannot, however, completely remove the possibility of impersonation. In fact, impersonation is an evil which hardly occurs in a rural area where every voter is well known to all his neighbours and even to the polling agents present at the polling station. The evil exists to some extent in large urban areas and areas where the population consists largely of floating labour or displaced persons. The extent of the evil has been largely exaggerated in the Commission's view and the incidence of cases in which impersonation takes place cannot but be insignificant generally.

The Commission has been giving its earnest consideration to the problem of impersonation whatever its extent may be. It has already consulted the all-India Political Parties in an effort to find a suitable remedy for the evil where it exists. The Government of West Bengal has made a suggestion which would completely root out the evil if it can be successfully implemented. It is proposed to provide every voter in the constituencies in Calcutta and its industrial and other suburbs with an identity card bearing his photograph. The photograph would be taken during the annual revision of the electoral rolls when the enumerator visits the voter's house. One copy of the photograph would be retained by the election office and supplied to the Presiding Officer of the voter's polling station at the time of the poll. The voter would be required by law to produce his identity card when he goes to the polling station to vote and his identity would be checked by the polling staff with reference to his identity card. The entire cost of preparing the identity cards would be borne by the Government. It has been decided that this scheme would be tried in the first instance on an experimental basis only in two Assembly constituencies in the city of Calcutta so that the practicability of the scheme and the cost of implementing it may be ascertained accurately. The Representation of the People Act, 1950, and the Rules thereunder would have to be suitably amended, however, before the scheme can be given effect to. The necessary amendments are now under consideration. As soon as the law has been amended, the scheme will be given a trial in the two Assembly constituencies in Calcutta. If it proves effective and not too costly, it will be extended to the other constituencies in Calcutta and all other big cities and industrial areas from which complaints of impersonation on any considerable scale have been received in the past.

Remedy for impersonation.

The law provides that any candidate or his agent may challenge in the prescribed manner the identity of a person claiming to be a particular voter. A Presiding Officer summarily enquires into such a challenge if the candidate or his agent deposits with him a sum of two rupees in cash. The amount of this deposit was rupees ten at the time of the first general elections in 1951-52 but has since been reduced. The deposit is forfeited to Government if the Presiding Officer decides that the challenge was frivolous or not made in good faith. Otherwise, it is refunded at the end of the poll.

Challenged votes.

A demand has sometimes been voiced that the deposit should be reduced still further to one rupee and that if it is refundable, the refund should be made immediately after the enquiry and not at the end of the poll. The Commission would not yet support any further reduction of the amount of the

Recommendation.

deposit but considers it fair that where refundable, the deposit should be refunded immediately and not at the end of the poll. The present provision operates harshly in the sense that according to it a candidate would be compelled to provide his polling agents at every polling station with a fairly considerable sum of money to enable them to challenge the identity of a large number of voters if that becomes necessary. The Rules may, therefore, be suitably amended in this regard.

Tendered ballot paper.

A person is given a tendered ballot paper for recording his vote when he represents himself to be a particular elector and if another person has already voted in the ordinary way as such elector. The vote of such a person is not counted and is known as a tendered vote. There were 58,887 cases of tendered votes in the country during the first general elections in 1951-52. During the second general elections in 1957, the number of tendered votes was 43,422.

Irregularities committed at polling stations.

The poll was generally conducted smoothly and efficiently all over the country and cases of irregularities committed by the polling personnel were few and were not of a very serious nature. The polling staff had been intensively trained before the poll as already mentioned. Unfortunately, however, some mistakes were still committed. It is significant that most of these occurred on the earlier days of poll. This clearly shows that some of the polling staff either had not attended the rehearsals or were not serious enough in their training even if they had attended any.

The usual mistakes and irregularities committed by the polling staff can be conveniently classified under the following heads :—

- (i) interchange of ballot papers and ballot boxes for Parliamentary and Assembly elections;
- (ii) omission to stamp the official distinguishing mark on ballot papers before issue to the voters;
- (iii) issue of incorrect pairs of ballot papers to electors in two-member constituencies;
- (iv) issue of two ballot papers instead of one to an elector in a single-member constituency and *vice versa*;
- (v) use of ballot papers, green paper seals and other polling materials authorised for one polling station at another polling station;
- (vi) list of contesting candidates in one constituency displayed at a polling station of a different constituency;
- (vii) ballot boxes of candidates of one constituency placed in polling stations of another constituency;

- (viii) taking the signatures of voters on ballot papers;
- (ix) failure to sign the pink paper seal or get it signed by the polling agents;
- (x) interchange of symbols on ballot boxes allotted to different candidates;
- (xi) mixing up of Assembly and Parliamentary election papers at the time of preparing and sealing the packets at the end of the poll;
- (xii) mistakes in drawing up the paper seal and ballot paper accounts; and
- (xiii) setting up the polling station in a wrong village. (There was one such case only. There were two villages a mile away from each other which bore similar names, namely, Raghunathpur Madhuban and Raghunathpur Khurd. The polling station authorised for one of the villages was set up in the other village by mistake).

During the first general elections in 1951-52, there were 181 cases of interchange of ballot boxes and 692 cases of interchange of ballot papers. In 43 cases out of these, a re-poll was ordered and in the remaining cases re-poll was not considered necessary by the Commission.

During the last general elections, however, there were only 70 cases of interchange of ballot boxes and 265 cases of interchange of ballot papers. In 11 cases only out of these re-poll was ordered by the Commission.

The Election Commission examined the question as to what action, if any, should be taken against the Presiding and Polling Officers who were guilty of such mistakes and irregularities. These irregularities are never deliberately committed but arise from sheer carelessness or *bona fide* mistakes. In the past, the delinquents used to be usually warned and censured by way of penalty. The Commission felt that mere warning by itself had not been sufficiently effective in the past and could not be expected to be so in the future either. Except in rare cases where the irregularities committed were serious, deliberate or malafide, it would not, however, be proper to take any severe disciplinary action against the defaulting officers. Accordingly, the Commission suggested to every State Government that while dealing with the explanations submitted by the Presiding and Polling Officers at fault, a list should be prepared of their names and that apart from any warning that may be administered, an early opportunity should be availed of to give them further training and practical experience of the election law and procedure at subsequent bye-elections which would be held in the State. Only those officers who are found to have displayed the requisite degree

Penalties imposed
on defaulting
officers.

of proficiency in their polling duties at such bye-elections would have their names deleted from the list. This suggestion has been generally accepted and acted upon.

Electoral offences. During the general elections in 1951-52 the total number of electoral offences reported in connection with the poll was 1,250. They were of the following categories :—

- (i) disorderly conduct at election meetings;
- (ii) convening, holding or attending public meetings within the constituency on a polling day;
- (iii) illegal hiring or procuring of conveyances for the transport of voters;
- (iv) canvassing within one hundred yards of a polling station;
- (v) disorderly conduct in or near a polling station;
- (vi) misconduct at a polling station;
- (vii) impersonation of voters;
- (viii) fraudulent defacing, destroying or removal of a list or notice or other document at a polling station;
- (ix) fraudulent insertion into a ballot box of any object other than a ballot paper;
- (x) destroying, taking away or otherwise interfering with ballot boxes or ballot papers; and
- (xi) fraudulent taking of, or attempting to take, ballot papers out of a polling station.

The electoral offences during the last general elections in 1957 numbered 1,000. Having regard to the fact that 9.2 million voters actually voted, these figures may be regarded as negligible.

Co-operation of political parties and candidates.

As compared to the first general elections, the political parties and candidates generally displayed much greater trust in the impartiality and integrity of the officials responsible for the conduct of elections and generally extended their co-operation to the election authorities during every stage of the poll. The successful conclusion of the poll was in a large measure due to their co-operation as also the careful planning and the strictly impartial conduct of the polling personnel.

Law and order.

A peaceful atmosphere was a common feature at every polling station. Only a few minor incidents occurred here and there but these do not call for any serious or detailed notice. The following provisions of the law must be said to have contributed substantially to the smooth conduct of the poll :—

- (a) banning of public meetings within a polling area on the date of the poll in that area;

- (b) prohibition of canvassing in or near a polling station or in any public or private place within a distance of 100 yards of a polling station on the date of poll;
- (c) penalising disorderly conduct in or near a polling station; and
- (d) empowering the *Presiding Officer and the police* officer on duty to remove from a polling station any person who misbehaves or fails to obey the lawful directions of the Presiding Officer during the poll.

If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer immediately satisfies himself of the correctness of the report and if he is so satisfied, the Returning Officer countermands the poll and reports the facts to the Election Commission and the appropriate Government. The election has to be commenced anew in all respects thereafter as for a new election except that no fresh nomination is required to be filed by a person who was a contesting candidate at the time the poll was countermanded.

Death of a candidate before the poll.

There were only two cases in which a contesting candidate died before the commencement of the poll. The constituencies concerned were the Idar and Sangamner constituencies of the Bombay Legislative Assembly.

In Bihar, a candidate in the Sitamarhi Parliamentary constituency died after the commencement of the poll but before the termination thereof. It was not necessary under the law to countermand the poll in this case and the deceased candidate had to be treated as a contesting candidate for the purpose of the remaining stages of the poll. In another case from Bihar, a candidate in the Muzaffarpur Parliamentary constituency died after the completion of the poll while the counting of votes was in progress. At the conclusion of the counting the deceased candidate was found to have polled the largest number of votes and was declared duly elected. A bye-election had to be held in due course to fill the vacancy.

In the Mokokchung Assembly constituency of Assam, only one candidate filed his nomination paper, which was found valid on scrutiny. The candidate subsequently withdrew his candidature, however, and the election failed. The seat was thus unfilled. The Commission called upon the constituency later to elect a member. The subsequent election was uncontested.

Failure to nominate candidate.

The arrangements for the transport of the polling personnel and election materials were planned in advance by the States and proved satisfactory. Special arrangements were made for the

Transport.

speedy transport of ballot boxes after the poll from the polling stations to the headquarters of the Returning Officers. An idea of the magnitude of the task involved in arranging for the transport can be had from the following typical instance. In Mysore as many as 1,580 motor vehicles—627 buses and 953 trucks—had to be taken on hire by the State Government. In addition to these motor vehicles, 1,334 bullock carts were hired for the conveyance of the polling parties to polling stations in the interior. In one district alone (Bellary) 467 bullock carts were hired while in Chitaldurg district, the number was 302.

Police.

The police arrangements were also worked out in great detail. Apart from the police parties detailed for duty at the polling stations, additional mobile and reserve police parties at various centres were placed on duty. The strength of a police party posted for duty at a polling station varied according to local requirements and usually consisted of one head constable and two or three constables. A total of 2,73,762 policemen and 1,68,281 village chowkidars were deputed for polling duty at the second general elections.

Poll in difficult areas—the hilly areas of Punjab and Himachal Pradesh.

In a few States, a good deal of difficulty had to be surmounted in transporting polling parties and polling materials over snow-capped mountains, vast deserts, dense forests or other natural hurdles.

There were snow-bound areas in the Kangra Parliamentary constituency and the Kulu Assembly constituency of Punjab and in all the Parliamentary constituencies of the Union territory of Himachal Pradesh. In these areas the poll had to be postponed till June and July, 1957. Under the law such postponement of poll and delayed completion of the elections in these constituencies did not affect the due constitution of the House of the People or the Punjab State Legislative Assembly, both of which assembled before members could be elected by the affected constituencies.

Due to the climatic conditions, there is no chance whatsoever of these affected areas going to the polls simultaneously with the rest of the country even in future. In order to remove all possible doubts as to whether the Houses of Legislature have been duly constituted or whether the election of the President and the Vice-President is constitutionally correct unless all constituencies have completed the election in a general election, the Commission has some suggestions to offer. These have been dealt with in chapter XXI on "Presidential and Vice-Presidential elections".

It was a tremendous task for the Governments to make the necessary arrangements for transporting the polling personnel and materials to and from the polling stations in time for holding the poll in these difficult constituencies on the notified dates.

The Spiti and Lahaul valleys in Punjab are particularly unapproachable and deserve special mention.

The average mean height of the Spiti valley is about 12,000 feet above sea level. The polling parties who proceeded to Spiti for the poll had to undertake an extremely arduous and hazardous task. They reached Spiti by the Hindustan—Tibet road and returned through Lahaul over the Rohtang Pass. The polling parties consisted of 43 persons including the wireless personnel. Apart from a journey by bus extending over nearly 500 miles, the parties had to cover about 325 miles on foot with a convoy of 112 mules and 20 donkeys which carried their kit and the election materials. The route lay over a very difficult mountainous terrain and the weather conditions were most unfavourable. They had to negotiate tracks and roads large portions of which had been washed away. On one occasion it took them as long as six hours to cross a river with the help of a single overhead cable. This particular operation lasted 2½ days. As many as six separate snow-covered passes 12,000 to 14,500 feet in height had to be crossed. The journey on foot extended over 6 weeks. Throughout this perilous journey, their only means of communication with the headquarters was by wireless.

Out of a total of 2,511 voters on the electoral rolls in the Spiti Valley area, those who cast their votes numbered 500 *i.e.*, about 20%. The number of women voters that turned up to cast their votes was quite reassuring for a very backward area like this, as also the percentage of the first poll ever. It may be said that the elections contributed materially towards making the local inhabitants politically conscious for the first time.

The polling parties which proceeded to the "Bara Bhangal" area in Punjab had to negotiate a pass over 15,000 feet high in addition to having to make a round trip of about 80 miles on foot over a most difficult terrain. In the Outer Seraj area in the same State, motor transport was feasible but the distances were too long and the driving of motor vehicles was exceedingly hazardous due to the treacherous nature of the roads. The winding hill roads were so narrow that at places the spare wheels and the foot-boards of the jeeps had to be dismantled to enable the vehicles to proceed further along the road or take the sharp turns.

The achievement of the polling parties who conducted the poll in these areas was indeed remarkable and they have good reason to be proud of themselves. The Commission expresses its admiration and gratitude to each individual member of the parties for the discipline, courage and unique devotion to duty

shown. The Commission has recommended that their services be suitably recognised.

It may be recalled that during the first general elections, due to similar difficulties faced by the State Government, these areas could not go to the polls at all in the normal way. Pangi and Chini Assembly constituencies in Himachal Pradesh which also get snow-bound later in the season went to the poll in the early part of October, 1951. In Punjab, however, an early poll could not be arranged in the constituencies which would get snow-bound. As a result, no polling party could physically reach any polling stations which were situated in these areas. The polling stations eventually set up for these areas were accordingly located in approachable localities within the constituency but outside the snow-bound areas. The polling stations were far away from the voters' homes. The voters naturally failed to reach these polling stations over the snows and their grievance that they had not been given a reasonable opportunity to vote was perfectly legitimate. The Commission is happy that these areas could be given full opportunity this time to exercise their franchise. The percentage of the poll in these areas was 43.66%.

A few photographs are inserted for giving an idea of the remarkable feats performed by the polling parties in reaching the polling stations in these inaccessible areas (*See plates Nos. 8, 9, 10 and 11*).



ELECTION MATERIAL BEING HAULED OVER RIVER SPITI BY ROPEWAY

PLATE No



CROSSING A TEMPORARY SUSPENSION BRIDGE (SPITI)



ON THE SLOPES TO JASSIGANG (SPIT



VOTERS' QUEUE OUTSIDE A POLLING STATION (SPITI)

CHAPTER XVIII

COUNTING OF VOTES AND DECLARATION OF RESULTS

The Commission has always insisted that in every constituency the counting of votes should take place as soon after the poll as is physically practicable. In some States, as for instance, Bombay and Madras, this direction was substantially followed even during the first general elections in 1951-52. In some other States like West Bengal and Mysore, however, no counting of votes was undertaken till the poll was over in the entire State. Such delay inevitably tends to give rise to complaints and vague suspicions of malpractices, *e.g.*, tampering of ballot boxes. Dissatisfaction was expressed by the general public and the Press whenever there were such delays in the counting of votes. Prompt counting of votes.

In the light of the experience gained in the first general elections, the Commission discussed the question in 1956 with the representatives of the All-India Political Parties. The latter entirely agreed with the views of the Commission in the matter. The Commission accordingly reiterated its direction during the second general elections that the counting of votes should be undertaken in every constituency as soon as it was physically possible to do so irrespective of any other extraneous considerations and that it should not be postponed merely for the reason that the poll was not complete in the whole State. The Commission also advised the Returning Officers that they should in particular give special priority to the counting of votes in every constituency where a prominent leader of the ruling party or of an opposition party was a candidate as also in every constituency where the contest was particularly keen. In other constituencies where the contest was not so keen or no important personality was a contesting candidate, counting was undertaken thereafter although the poll might have been completed earlier in such constituencies. This priority was laid down by the Commission in view of the fact that public excitement and impatience are keenest in a constituency where a prominent person is one of the candidates and that any avoidable delay in counting the votes in such a constituency almost invariably gives rise to a suspicion and allegations that ballot boxes have been or are likely to be tampered with. In West Bengal, a comparatively leisurely counting programme had been adopted at first even in the second general elections. The Press and all the political parties in the State joined in a chorus of criticism of the delay in counting.

The Commission had to interfere in the matter with the result that the dates of counting were advanced as far as practicable. In Bihar also, the Commission had to get the dates of counting advanced in many constituencies.

The suggestion is sometimes made even now that counting of votes should not ordinarily be undertaken in any constituency until the poll is over in the whole State. It is urged in support that the present practice of counting the votes and declaring the result in every constituency as soon as possible after the poll has an undesirable psychological reaction upon the voters in the other constituencies which go to the poll later and that the party whose candidates have been declared elected in the earlier counting secures an advantage over the other parties in the constituencies which go to the poll later. The Commission finds it difficult to accept this thesis and is opposed to it. In the Commission's opinion such supposed advantage is entirely hypothetical. A careful study of the actual facts and the trend of the behaviour of the electorate in the last two general elections would clearly belie the hypothesis. A voter does not transfer his political allegiance merely because the electorate in some other constituency has or has not voted in a particular way. In any case, the Election Commission would not recommend any procedure which exposes the election officers to suspicions regarding their honesty, integrity and impartiality. The Commission expects that by the time the third general elections are held it would be possible to reduce the total polling period still further 10 or 12 days and to expedite the counting of votes correspondingly. The above hypothesis would naturally force to the extent the total duration of the poll is compressed.

Counting at
different places.

The amended law enables an Assistant Returning Officer also to count votes. This was not permissible for the first general elections. It is, therefore, legally permissible now to count votes at different places on the same day, the Returning Officer taking up counting at one place, while the Assistant Returning Officers count votes at other places. Such simultaneous counting is not encouraged by the Commission for the reason that it is physically impossible for the candidates in such a case to attend the counting of votes at every such place. No Returning Officer was, therefore, allowed to have the votes counted for the same constituency at different places on the same day unless there was unanimous and prior consent of all the contesting candidates to such a procedure.

For an Assembly constituency, it is not normally necessary or desirable to count the votes at different places. The Returning Officer of every Assembly constituency counted the votes at

one place only. In the case of a Parliamentary constituency, however, where the number of ballot papers to be counted is much larger, counting of votes was often held at a number of places on different days whenever that was considered to be more convenient.

Votes were required to be counted candidate-wise during the general elections of 1951-52. The law has since been amended and votes are now required to be counted polling station-wise. All the ballot boxes received from the same polling station are simultaneously opened and the ballot papers found therein are counted on different tables. Adequate precautions are taken to ensure that no ballot papers contained in the ballot box of one candidate can under any circumstances get mixed up with the ballot papers contained in another ballot box of the same or a different candidate.

Counting to be
polling station-
wise.

In order that the counting might not prove to be too long-drawn a process, ballot boxes from more polling stations than one are opened and counted simultaneously.

The Returning Officer appointed such staff as he required for assisting him in the counting.

Counting Assis-
tants.

During the first general elections, a candidate was entitled to appoint only one counting agent at the counting of votes who was permitted to be present at the counting besides the candidate and his election agent. It was felt that a single counting agent could not be expected to attend to the counting with sufficient care and thoroughness, particularly when many ballot boxes were opened simultaneously. There was therefore a demand for an amendment of the law so as to allow an increase in the permissible number of counting agents.

Number of Count-
ing Agents.

The law has since been amended and a candidate may now appoint more counting agents than one up to a maximum of twelve subject to such directions as the Election Commission may issue. This topic has been considered more fully in Chapter XVI.

For the first general elections, the Commission did not consider it necessary to prescribe any distinguishing mark for the ballot papers issued at a particular polling station apart from its printed serial number. It was noticed on that occasion in some instances, however, that the total number of ballot papers found at the time of counting in the ballot boxes from a polling station exceeded the number of ballot papers actually issued to voters in that polling station. In some other polling stations, the number found in the ballot boxes fell short of the number issued. Any such excess can arise only if ballot papers issued at one polling station have been surreptitiously taken out of the polling station by some

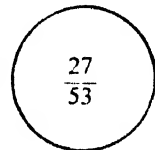
Distinguishing
mark on ballot
papers.

voters and have been subsequently inserted by other voters into the ballot boxes at some other polling station. When such discrepancy arises, it is a difficult task to check the serial number of every single ballot paper in order to find out whether it is in fact issued to a voter at the particular polling station. The Commission was convinced that some of the voters had corruptly carried their ballot papers out of the polling stations with a view to their being inserted subsequently into the ballot boxes of the other polling stations.

There were many other cases where such discrepancy was merely apparent and in actual fact arose from the account of ballot papers having been drawn up incorrectly by the Presiding Officer through carelessness or negligence.

In the light of past experience, the Commission directed that the serial number of the constituency as also the serial number of the polling station shall be rubber-stamped on every ballot paper before issue. For instance, every ballot paper issued in polling station No. 27 of the Assembly constituency serially numbered

53 was required to be stamped with the legend



This distinguishing mark has proved a very useful and effective check against ballot papers issued at one polling station being smuggled out and inserted into the ballot boxes at some other polling station. The distinguishing rubber-stamp mark on a ballot paper makes it very easy to check by a mere glance whether it was in fact issued at the particular polling station or not. Every ballot paper bearing any other distinguishing mark is rejected by the Returning Officer. In fact, after the introduction of the distinguishing mark, there has been a remarkable fall in the incidence of the particular malpractice and of discrepancies between the number of ballot papers issued at a polling station and those found in the ballot boxes received from that polling station.

Smuggling of ballot papers out of a polling station and remedy therefor.

The stamping of the distinguishing mark cannot of course serve as a safeguard if a ballot paper which has been smuggled out of the polling station by a dishonest voter is subsequently inserted into a ballot box of that very polling station by another voter. There is in fact no readymade remedy for checking such an abuse. It is on the other hand, difficult to prove or refute an allegation that it has been practised at the poll. Short of searching the person of every voter as he comes out of the polling station after voting—which would be unthinkable—it cannot be guaranteed that no voter has carried away his ballot paper. This is an unsatisfactory position.

In order that no scope may be left for this corrupt practice or for a suspicion that such a corrupt practice has been adopted on a considerable scale, the Election Commission has since evolved a new system of voting which has been described elsewhere. Under this system, a voter secretly marks his vote on the ballot paper which he then folds so as to conceal his vote. He is required to insert the folded ballot paper publicly into a ballot box common for all candidates which is kept in full view of the Presiding and Polling Officers as also the polling agents of the candidates. Under this system, it is not physically possible for any voter to carry his ballot paper out of the polling station.

The new system of voting.

28 bye-elections have been so far held under the new system of voting. It is interesting to note that in the course of none of these bye-elections was any allegation made that ballot papers were smuggled out of the polling stations.

It has also been found that the poll is comparatively brisker under the new system as there are more than one polling compartments in every polling station. Moreover, in view of the fact that the existing ballot boxes can in most cases be utilised for the poll under the new system and a much smaller number of them need be used, it would not be necessary to replace or augment the supply of ballot boxes for quite a few years. This would result in considerable savings in the cost of the elections as also in a good deal of economy in steel consumed in the manufacture of ballot boxes.

Polling officers sometimes fail through mistake to stamp the distinguishing mark of the polling station on some of the ballot papers before issue to voters. If this has happened, the serial number of each unstamped ballot paper found inside a ballot box is carefully compared during the counting with the serial numbers of the ballot papers actually issued at the polling station during the poll. Such comparison at once reveals whether any such ballot paper was unauthorised or irregularly inserted into the ballot box. The Commission has been empowered by law to overlook the absence of the distinguishing mark on a ballot paper. The defect was in fact overlooked wherever it was found on scrutiny that (1) the unstamped ballot paper was authorised for use at the particular polling station and (2) it was actually issued to a voter at the polling station during the poll.

Absence of distinguishing mark on ballot paper.

The Returning Officers were generally directed by the Commission to overlook the absence of the distinguishing mark on any ballot paper which satisfied both the conditions mentioned in the preceding paragraph.

A complaint was made during the first general elections that during the counting of votes, some Returning Officers refused to

Entries in result sheet to be read out.

give information to the candidates and their agents regarding the number of ballot papers found in each ballot box or the number of rejected ballot papers. Such secretiveness is irritating and gives rise to suspicion. The Commission accordingly directed that as soon as the Returning Officer has entered in the result sheet the number of valid votes in favour of each candidate and the number of rejected ballot papers in respect of ballot boxes used at a polling station, he shall read out these figures for the information of the candidates and their agents who are present in the counting hall. This direction has been followed and no complaints were received in this respect in connection with the second general elections.

Time taken for counting.

In a single-member Assembly constituency, the counting of votes was generally completed and the results declared at the close of the same day. Exceptions to this were rare. In two-member Assembly constituencies, the counting of votes took two days. In a House of the People constituency, the counting for each constituency was generally held at two or three convenient centres. In single-member Parliamentary constituencies the counting usually took two days while in a two-member constituency it took three or four days.

Cumulative voting.

In the general elections of 1951-52 a special difficulty was experienced in many two-member constituencies. It was found at the counting that a large number of voters had inserted both their ballot papers into the ballot box of the same candidate instead of distributing their votes in favour of two different candidates. As the law prohibits cumulative voting, this resulted in the rejection of one of the cumulative votes of each such voter. At the elections in 1951-52, the maximum number of such rejections occurred in the three-member North Bengal constituency of the House of the People where the number of votes rejected on this ground reached the high figure of 1,33,063 out of a total of 9,90,800 votes polled in the constituency.

The detection of cumulative votes at the time of counting is a laborious task. In a two-member constituency, when both seats are to be filled, every voter has two votes and receives a pair of ballot papers. Both the ballot papers bear the same printed serial number, but each is distinguished from the other by the suffix printed after its serial number which is different for the two ballot papers. The suffix "A" is printed on one of the pair while the suffix "B" is printed on the other. If any voter has voted cumulatively by inserting both his ballot papers into the ballot box of the same candidate, the only way of detecting this at the counting is to arrange all the ballot papers found in the ballot box serially according to their serial numbers. As soon as this has been done, the cumulative votes are easily detected, for both

the ballot papers issued to the voter and bearing the same serial number (but with different suffixes "A" and "B") would be found in the same ballot box. The Returning Officer would reject one of the cumulative votes and count the other. The Commission issued detailed instructions explaining the procedure to be followed for detecting cumulative votes. The task of arranging the ballot papers according to their serial numbers was found to be a very laborious one and materially slowed up the progress of counting.

In every polling station in a two-member constituency, each voter was warned at the poll that if he inserted both his ballot papers into the same ballot box, one of his votes would be rejected. In spite of this, a large number of voters voted cumulatively in some two-member constituencies. In view of the fact that in other similar constituencies in the same State the incidence of cumulative voting was comparatively low, the large scale cumulative voting in some of the constituencies only cannot be adequately explained merely on the ground of the general ignorance of the electorate. It is clear that there was deliberate canvassing on the part of some candidates to induce the voters to insert both their ballot papers into the same ballot box. In one Assembly constituency in the State of Punjab (Palwal) as many as 12,791 votes were rejected for cumulative voting. In a Parliamentary constituency (Ludhiana) in the same State as many as 63,742 were rejected for the same reason.

Cumulative votes easily checked under the new system of voting.

The difficulties experienced in the counting of votes in a two-member constituency under the old system of voting would largely disappear by the adoption of the new system of voting. Under the new system, the voter gets only one ballot paper even in a two-member constituency and he is required to mark both his votes on the same in favour of two different candidates of his choice. He may, of course, be still persuaded to mark both his votes in favour of the same candidate, but even if the voter has done so, the detection of such cumulative voting is very much easier and involves no laborious or time-consuming process. Counting of votes in a two-member constituency has therefore been rid of the existing bug-bear of having to arrange according to its serial number every single ballot paper in each ballot box for the purpose of detecting and rejecting cumulative votes. Under the new system every case of cumulative voting on a ballot paper would stare one in the eye and two votes marked in favour of the same candidate on the same ballot paper would be automatically counted as one vote.

Few complaints were received in regard to the counting of votes. Such complaints as were received were duly examined. They were generally found to arise from an ignorance of the

Complaints.

provisions of the law or else were exaggerated or baseless. The Commission is satisfied that counting generally took place in accordance with law and the instructions issued by the Commission.

Declaration of results.

As soon as the Returning Officer completes the counting of votes, he declares the result of the election. In a single-member constituency or in a two-member constituency in which one member only is to be elected, the candidate who has polled the largest number of votes is declared elected. In a two-member constituency in which two members are to be elected the result of the election in respect of the seat reserved for the scheduled castes or the scheduled tribes, as the case may be, is declared first. The contest for the reserved seat is confined solely to those of the candidates who belong to the scheduled castes (where the seat is reserved for the scheduled castes) or to those belonging to the scheduled tribes (where the seat is reserved for the scheduled tribes). The Returning Officer first ascertains which one amongst such candidates has polled the largest number of votes and he declares him duly elected to the reserved seat. The result of the election to the unreserved seat is then declared. All other candidates except the one who has already been declared elected to the reserved seat (including even those who belong to the scheduled castes or scheduled tribes, as the case may be) compete on equal terms with each other for election to the unreserved seat. Whichever of them has polled the largest number of votes is declared elected to the unreserved seat. It makes no difference if he happens to belong to a scheduled caste or tribe. The reason for this is that a candidate belonging to a scheduled caste or a scheduled tribe is eligible for election to an unreserved seat. Further, although a minimum number of seats have been reserved by the Constitution for the scheduled castes and tribes, there is no corresponding reservation of any seats in favour of the rest of the population.

Narrowest win.

The narrowest win,—no win could be narrower than that—was recorded at the Galsi Assembly constituency in the Burdwan district in West Bengal. For the reserved seat from this Assembly constituency, there were two candidates, one candidate belonging to the Forward Bloc, and the other to the Indian National Congress. The former, Shri Pramathanath Dhibar won by a margin of one vote only. Shri Dhibar polled 20,445 votes against 20,444 polled by his Congress rival, Shri Mahitosh Saha. In the Sirmour Assembly constituency in the Rewa district of Madhya Pradesh, the candidate sponsored by the Indian National Congress, Shrimati Champa Devi, won by a margin of two votes only over her nearest rival. Shrimati Champa Devi polled 4,984 votes against 4,982 votes polled by her Praja Socialist Party rival, Shri Jamuna Prasad.

CHAPTER XIX

MULTIPLE ELECTIONS

The Constitution provides that no person shall be a member of both Houses of Parliament and requires that provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both the Houses of his seat in one House or the other.

Election to both Houses of Parliament.

Parliament has provided by law that if a person is elected to both Houses of Parliament but has not taken his seat in either House, he shall intimate in which of the Houses he wishes to be a member. This intimation must be given by a notice in writing signed by him and delivered to the Secretary to the Election Commission within ten days from the date, or the later of the dates, of such election. His seat in the other House thereupon becomes vacant. If no such intimation is given, his seat in the Council of States automatically becomes vacant on the expiry of the tenth day. A choice once made in this regard is final and irrevocable. The date of election of a person to a House of Parliament is taken to be the date on which he was declared elected by the Returning Officer.

If a person who is already a member of the House of the People and has taken his seat in that House is elected to the Council of States, his seat in the House of the People becomes vacant.

Election of a member of the House of the People to the Council of States.

If a person who is already a member of the Council of States and has taken his seat in that House is elected to the House of the People, his seat in the Council of States becomes vacant.

Election of a member of the Council of States to the House of the People.

If a person is elected to more seats than one in the House of the People or in the same House of Legislature of a State, he is required by law to resign all but one of such seats within fourteen days from the date of such election. If the dates of his election are different in respect of different seats, he has to tender such resignation within fourteen days from the last of such dates. Such resignation must be in writing under his signature and addressed to the Speaker or Chairman of the House concerned, or, if necessary, to the Deputy Speaker or the Deputy Chairman of the House, or failing that, to the Election Commission. If he fails to tender such resignation in time, all the seats to which he has been elected become vacant.

Election to more than one seat in the same House of Legislature.

A person cannot simultaneously be a member of Parliament as well as of a House of the State Legislature. If he has been

Election both to Central and State Legislatures.

elected both to Parliament and to the Legislature of a State, he is required to resign one of his seats within fourteen days from the date of publication in the Gazette of India or in the official Gazette of the State, whichever is later, of the declaration that he has been so elected. If he fails to do so, his seat in Parliament becomes vacant.

Election to both Houses of a State Legislature.

A person cannot be a member of both Houses of the Legislature of a State. If he is elected to both the Houses, he is required to resign his seat in one of the Houses in the manner laid down by law enacted by the State Legislature.

Any person, who has been chosen a member of both Houses of the Legislature of a State and who has not taken a seat in any of the Houses, may intimate in which of the Houses he wishes to serve, and any choice so intimated shall be conclusive and his seat in the House in which he does not wish to serve shall thereupon become vacant. Such intimation must be given under his signature and delivered to the Speaker or Chairman, or to the Secretaries of both the Houses concerned, or to any person authorised by the Governor in this behalf within ten days (fifteen days in the case of Madras) from the date of publication in the Official Gazette of the declaration that he has been so chosen or, if such publications have been made on different dates, within the same period from the later of such dates. If he fails to give such intimation, his seat in the Legislative Assembly becomes vacant.

If a person who is already a member of the Legislative Assembly and has taken his seat in the Assembly is chosen a member of the Legislative Council, his seat in the Legislative Assembly shall, on the publication in the Official Gazette of the declaration that he has been so chosen, become vacant.

If a person who is already a member of the Legislative Council and has taken his seat in the Council is chosen a member of the Legislative Assembly, his seat in the Council shall, on the date of publication in the official Gazette of the declaration that he has been so chosen, become vacant. In Bombay and Uttar Pradesh, the vacancy occurs:—

- (a) where he is so chosen in a bye-election, on the date of publication, of the declaration in the Official Gazette, and
- (b) where he is so chosen in a general election, on the day next preceding the date the new Assembly is constituted. [*Vide* Prohibition of Simultaneous Membership Acts of Bombay and Uttar Pradesh.]

Election to the Legislatures of two or more States.

* A person cannot simultaneously be a member of the Legislatures of two or more States. If he is elected to the Legislatures of two or more States, he is required to resign his seats in the

Legislatures of all the States but one within ten days from the later or the latest of the dates of publication in the official Gazettes of such States of the declaration of his election. If he fails to do so, all his seats become vacant.

The following table shows the cases of multiple elections which occurred during the general elections of 1957:

Cases of multiple elections.

TABLE

Existing members of (Name of the House)	No. of members	Elected to (Name of the House)	No. of members	Seat retained in (Name of the House)	No. of members
(1)	(2)	(3)	(4)	(5)	(6)
Council of States.	19	House of the People.	11	House of the People.	11
		Legislative Assembly.	9	Legislative Assembly.	
		(One member was elected to both these Houses).			
Legislative Council.	14	House of the People.	1	House of the People.	1
		Legislative Assembly.	13	Legislative Assembly.	13
Legislative Assembly.	6	House of the People.	5	House of the People.	5
		Legislative Assembly.	1	Legislative Assembly.	1
House of the People.	2	Legislative Assembly.	2	House of the People.	1
				Legislative Assembly.	1

CHAPTER XX

DEPOSITS AND FORFEITURES

Deposits by candidates.

A candidate for election from a Parliamentary constituency is required by law to deposit or cause to be deposited a sum of five hundred rupees. If, however, he is a member of a scheduled caste or tribe, a reduced deposit of two hundred and fifty rupees is sufficient.

A candidate for election from an Assembly or Council constituency is required to deposit a sum of two hundred and fifty rupees. If, however, he is a member of a scheduled caste or tribe, a reduced deposit of one hundred and twentyfive rupees is sufficient.

It is usual for a candidate to be nominated in the same constituency by more than one nomination paper. He is not required, however, to make a separate deposit in respect of every such nomination paper. The law provides that once he has made the requisite deposit, no further deposit need be made by him whatever the number of nomination papers filed by him.

During the general elections of 1957, a total of 18,755 candidates were nominated. Out of them 18,392 made the necessary deposit. The nomination papers of 39 candidates were rejected for failure to make the necessary deposit. The total sum deposited by candidates for election to the House of the People amounted to Rs. 10,24,500 while in respect of candidates for election to the State Legislative Assemblies, the total amount of deposit was Rs. 37,25,538.

Refund and forfeiture of deposits.

Every candidate who is elected is entitled to a refund of the deposit made by him whatever the number of votes polled by him. A candidate whose nomination paper has been rejected or who has duly withdrawn his candidature is also entitled to a refund of his deposit. If a defeated candidate has polled more than a certain minimum of the total valid votes polled, he is entitled to have his deposit refunded. In a single-member constituency (or in a two-member constituency in which only one member is to be elected), the candidate must poll more than one-sixth of the total valid votes polled in order to be entitled to the refund. On the other hand, in a two-member constituency where two members are to be elected, the candidate is required to poll more than one-twelfth of the total number of valid votes polled in order to be entitled to the refund. If a candidate has polled exactly one-sixth or one-twelfth of the valid votes, as the case may be, his deposit is forfeited, unless he has been elected.

If a candidate contests elections to the same House of Legislature from more than one constituency, he cannot in any case get refund of more than one of the deposits made by him. The other deposits made by him or on his behalf are forfeited under the law. If a candidate has been duly nominated in an Assembly constituency as also in a Parliamentary constituency when general elections are being held simultaneously for the Assembly and the House of the People, he is entitled to a refund of the deposits in both the constituencies if he is otherwise entitled to such refund.

A candidate who has retired from contest under the provision of section 55A of the Representation of the People Act, 1951, in any case forfeits the deposit made by him.

A deposit which is not refundable under the law is forfeited to the appropriate Government. A sum of Rs. 2,22,000 was thus forfeited to the Central Government and a sum of Rs. 9,69,125 to the State Governments.

Statements showing partywise and statewise the number of candidates who forfeited their deposits in the general elections of 1957 are given at pages 172 and 173. Details of forfeitures.

Out of 496 candidates who forfeited their deposits in respect of elections to the House of the People, as many as 326 or 65.73 per cent, were independent candidates. In respect of elections to State Legislative Assemblies, out of a total of 4,359 candidates who forfeited their deposits, as many as 3,037 or 69.84 per cent, were independent candidates. During the general elections of 1951-52 also, independent candidates constituted a large proportion of those who forfeited their deposits. Out of 748 candidates who forfeited their deposits on that occasion in respect of elections to the House of the People, as many as 349 or 46.6 per cent, were independent candidates. For elections to the State Legislative Assemblies and Electoral Colleges out of a total of 8,450 candidates who then forfeited their deposits as many as 4,618 or 54 per cent, were independent candidates.

It would be clear from the above figures that during the second general elections as in the first, too many independent candidates rushed into the arena of electoral contest either without any intention of going through the contest seriously or without any reasonable prospect of securing even the minimum of one-sixth of the votes. It is obvious, therefore, that the multiplicity of candidates who are not serious in regard to their candidature still persists. Such multiplicity confuses the voters, materially inconveniences the more serious candidates and unnecessarily increases the administrative difficulties in conducting the elections. Multiplicity of candidates.

HOUSE OF THE PEOPLE

Name of the State/Union Territory	I				II				III				IV				Total	
	Total number of candidates set up by the party				Total number of candidates who have forfeited their deposits				Number of candidates in column III who retired									
	Congress	P.S.P.	Communist	Jan Sangh	Other Parties & Independents	Total	Congress	P.S.P.	Communist	Jan Sangh	Other Parties & Independents	Total	Congress	P.S.P.	Communist	Jan Sangh		Other Parties & Independents
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
1. Andhra Pradesh	57	7	17	1	101	183	—	—	—	1	28	29	—	—	—	—	4	4
2. Assam	13	7	3	—	12	35	—	—	—	—	4	4	—	—	—	—	—	6
3. Bihar	57	43	14	3	115	232	—	12	4	1	59	76	—	1	—	—	5	7
4. Bombay	112	26	10	13	108	269	1	4	—	2	24	31	—	1	—	1	5	2
5. Kerala	19	11	17	—	23	70	1	6	—	—	10	17	—	1	—	—	1	4
6. Madhya Pradesh	70	42	1	30	77	220	—	6	1	—	30	43	—	—	—	—	4	12
7. Madras	43	8	13	—	142	206	—	2	3	—	55	60	—	—	—	—	12	2
8. Mysore	32	13	2	7	31	85	—	—	—	4	9	13	—	—	—	—	2	—
9. Orissa	21	7	5	—	31	64	—	1	2	—	7	10	—	—	—	—	—	7
10. Punjab	35	5	16	23	56	135	—	3	1	6	24	34	—	1	—	—	6	19
11. Rajasthan	38	2	4	11	84	139	—	2	1	1	28	32	—	—	—	1	18	3
12. Uttar Pradesh	86	52	8	61	85	292	—	16	1	31	41	89	—	—	—	—	3	3
13. West Bengal	42	6	16	5	59	128	—	1	—	3	17	21	—	1	—	—	2	3
14. Delhi	5	1	1	5	41	53	—	—	1	2	17	20	—	—	—	—	3	3
15. Himachal Pradesh	8	1	3	1	15	28	—	—	1	1	7	9	—	—	1	1	1	3
16. Manipur	2	2	1	—	—	5	—	2	—	—	3	5	—	—	—	—	—	—
17. Tripura	2	—	2	—	—	4	—	—	—	—	3	3	—	—	—	—	—	—
TOTAL	642	233	133	160	980	2,148	2	55	15	58	366	496	—	5	1	3	66	75

LEGISLATIVE ASSEMBLY

Name of the State I	Total number of candidates set up by the party II				Total number of candidates who forfeited their deposits III				Number of candidates in column III who retired IV									
	Congress	P.S.P.	Communist	Jan Sangh	Other Parties & Independents	Total	Congress	P.S.P.	Communist	Jan Sangh	Other Parties & Independents	Total						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
1. Andhra Pradesh ..	159	34	—	4	296	493	4	13	—	4	60	81	4	2	—	2	14	22
2. Assam ..	110	38	25	1	216	390	1	8	3	—	80	92	—	—	—	—	5	5
3. Bihar ..	382	266	84	36	1,179	1,947	7	91	24	25	508	655	1	2	—	1	52	56
4. Bombay ..	652	161	54	59	1,088	2,014	8	21	3	9	287	328	1	2	2	1	68	74
5. Kerala ..	154	81	133	—	182	550	5	31	5	—	66	107	—	3	1	—	13	17
6. Madhya Pradesh ..	535	228	35	217	804	1,819	6	65	12	70	325	478	—	9	—	6	64	79
7. Madras ..	236	24	63	—	953	1,276	—	9	21	—	302	432	—	1	3	—	93	97
8. Mysore ..	250	96	23	25	572	966	1	19	9	15	116	160	1	1	—	1	25	28
9. Orissa ..	154	52	47	—	393	646	11	14	18	—	166	209	—	—	—	—	9	9
10. Punjab ..	235	28	95	97	832	1,287	—	15	21	39	243	318	—	4	3	8	60	75
11. Rajasthan ..	268	35	35	68	1,010	1,416	2	12	14	29	289	346	—	2	1	3	78	84
12. Uttar Pradesh ..	430	261	90	235	695	1,711	6	101	50	143	443	743	—	1	—	7	40	48
13. West Bengal ..	277	68	107	38	663	1,153	—	6	3	31	370	410	—	—	—	1	22	23
TOTAL ..	3,842	1,372	791	780	8,883	15,668	51	405	183	365	3,255	4,359	7	27	10	30	543	617

Remedy.

It is a matter for serious consideration whether the stage has not been reached now when more effective checks should be devised to curb such light-hearted participation in electoral contests. The remedial measures that may be considered with a view to achieve this objective are :—(a) Repeal of section 55A of the Representation of the People Act, 1951, which enables contesting candidates to retire from the contest after the date for withdrawal of their candidature upto 10 days after the commencement of the poll, (b) amending section 10 of the Representation of the People Act, 1951 so as to require a candidate to poll one-fifth of the valid votes instead of one-sixth (or one-tenth instead of one-twelfth in a constituency in which two members are to be elected) in order that he may be entitled to a refund of the deposit made by him, and (c) increasing the amount of the deposit so that a candidate who is not supported by a fairly substantial support from the electorate may be more effectively discouraged from entering the electoral contest in a spirit of gambling.

Recommendation. The Commission is of the view that the first two measures may be adopted immediately. The last suggestion, namely, increasing the amount of the deposit is likely to cause genuine hardship to candidates with moderate means who may all the same be serious. This last suggestion may not therefore be adopted in the immediate future. It may be adopted only as a last resort if the other two measures have failed to check the present undesirable multiplicity of candidates.

Return and forfeiture of deposits in Council constituencies.

The Commission also takes this opportunity of pointing out a lacuna in section 158 of the Representation of the People Act, 1951.

There is no room for doubt that the provisions of section 158 of the Act apply to elections in Council constituencies in the same way as they apply to elections in Parliamentary and Assembly constituencies. Indeed there is specific provision in the second proviso to sub-section (4) of that section to the effect that if a candidate is duly nominated at an election (biennial elections) in more than one Council constituency not more than one of the deposits made by him or on his behalf shall be returned, and the remainder shall be forfeited to the State Government. The only other difficulty is the interpretation to be placed on the expression "one-sixth of the total number of votes polled" in sub-section (2) of that section. The Commission considers that "the total number of votes polled" should be interpreted to mean the number of first preferences polled. In fact such a provision existed in the rules made under the Government of India Act. It was there provided that where elections are held according to the system of proportional

representation by means of the *single transferable vote* the number of votes polled by a candidate shall be the number of votes polled by him as first preferences.

The lacuna in sub-section (3) of section 158 of the Representation of the People Act, 1951, should, therefore, be removed.

CHAPTER XXI

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS

Article 54 of the Constitution provides that the President of India shall be elected by the members of an electoral college consisting of the elected members of both Houses of Parliament and the elected members of the State Legislative Assemblies. The procedural law governing the elections to the offices of the President and the Vice-President of India is contained in the Presidential and Vice-Presidential Elections Act, 1952, and the Rules made thereunder.

Term of office. Articles 56 and 67 of the Constitution provide that the President and the Vice-President shall each hold office for a term of five years from the date on which he enters upon his office. Articles 62 and 68 of the Constitution require that an election to fill the vacancy caused by the expiration of the term of the President or the Vice-President shall be completed before the term expires. The term of office of both the President and the Vice-President of India was due to expire on the 12th May, 1957. Elections were completed before that date to fill the impending vacancies.

ELECTION OF THE PRESIDENT

Qualifications for candidature. Any citizen of India who has completed thirtyfive years of age and is qualified for election as a member of the House of the People is eligible for election as the President of India. The election of the President is held in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot. As soon as the elections to the House of the People and the Legislative Assemblies were completed, a list of the members elected to these was prepared by the Election Commission. Some members had been elected simultaneously to the House of the People as well as the State Legislative Assemblies while some sitting members of the Council of States had been elected either to the House of the People or to the Legislative Assemblies. Under the law, every such member had to vacate one of the seats held by him and consequently a number of vacancies occurred in the different Houses. The Election Commission took immediate steps to fill these vacancies as far as practicable before the date of poll fixed for the Presidential election.

Returning and Assistant Returning Officers. Shri S. N. Mukherjee, Secretary of the Council of States was appointed by the Election Commission as the Returning

Officer for the election of the President and the Secretaries of the State Legislative Assemblies were appointed as Assistant Returning Officers in their respective States. In addition, two Under Secretaries of the Council of States were also appointed as Assistant Returning Officers to assist the Returning Officer at New Delhi.

The following programme fixing the various stages of the election was published on the 6th April, 1957 :—

Programme for election.

- (a) the 16th April, 1957, as the last date for making nominations;
- (b) the 17th April, 1957, as the date for the scrutiny of nominations;
- (c) the 20th April, 1957, as the last date for the withdrawal of candidatures; and
- (d) the 6th May, 1957, as the date for taking the poll, if necessary.

The Returning Officer fixed 11 a.m. on the 17th April, 1957, for the scrutiny of nominations. Nomination papers had been received in respect of 5 candidates. Of these, the nomination papers of two candidates were rejected by the Returning Officer after scrutiny. There were, therefore, three validly nominated candidates who contested the election. These were—

Scrutiny of nominations.

- (1) Dr. Rajendra Prasad of Rashtrapati Bhawan, New Delhi.
- (2) Shri Nagendra Narayan Das of Gauhati, Assam.
- (3) Chowdhry Hari Ram of Rohtak, Punjab.

On the 22nd April, 1957, the Election Commission issued the notifications appointing the places and the hours of poll for the election. The Parliament House in New Delhi and the Legislative Assembly building in each State were appointed for taking the poll. The polling hours were fixed to be from 10 a.m. to 4 p.m.

Places and hours of poll.

For the purpose of securing uniformity in the scale of representation at the election of the President as amongst the Union, the different States and the Union territories, article 55 of the Constitution has provided that the number of votes which an elected member of Parliament or of the Legislative Assembly of a State is entitled to at the election of the President shall be determined in accordance with a formula on the basis of the prescribed arithmetical calculations which take into account the population of each State and the total number of the elected members of each Assembly and the Parliament. The number of

Number of votes of each elector.

votes to which each such member was entitled was found on calculation to be as follows :—

<i>Name of Legislature</i>				<i>Number of votes for each member of the Legislature</i>
Parliament	..	..	..	496
<i>Legislative Assemblies</i>				
Andhra Pradesh	..	..	..	104
Assam	..	..	..	84
Bihar	..	..	..	122
Bombay	..	..	..	122
Kerala	..	..	..	108
Madhya Pradesh	..	..	..	91
Madras	..	..	..	146
Mysore	..	..	..	93
Orissa	..	..	..	105
Punjab	..	..	..	105
Rajasthan	..	..	..	91
Uttar Pradesh	..	..	..	147
West Bengal	..	..	..	104
Jammu and Kashmir	..	..	..	59

Ballot boxes and
ballot papers.

The Election Commission arranged for the supply of ballot boxes to the Returning Officer and the Assistant Returning Officers in the States. Ballot boxes of a special design had been manufactured for use at the Presidential election in the year 1952. These ballot boxes were used also during the Presidential election in the year 1957. The Election Commission arranged to print the ballot papers in two colours, pink and green. The pink ballot papers were meant for use by the members of the Parliament while the green ones were for the members of the State Legislative Assemblies.

Arrangements for
poll.

The Election Commission made suitable arrangements for enabling the members of the Legislative Assembly of each State to cast their votes in their own State in the premises of the State Legislative Assembly. A member of Parliament was given the option of voting either in the Parliament House at New Delhi or in the State from which he had been elected. In addition, the Commission issued special permits to accommodate 25 elected members of Parliament who had represented that they were unable to cast their votes either at New Delhi or in the State from which they had been respectively elected and requested for permission to vote in some other States. The members elected to the Parliament from the Union territories of Manipur and

Tripura were given the option to vote either at Calcutta or at New Delhi.

After the close of the poll in each State, the sealed ballot box, the sealed cover containing the key of the ballot box and the packets containing all other papers relating to the poll were sent by the Assistant Returning Officer to the Returning Officer at New Delhi under a special police guard. It was not necessary to issue any postal ballot paper to any elector in view of the fact that no member of Parliament or a State Legislative Assembly was under preventive detention on the date of poll.

Transmission of ballot boxes to Returning Officer after poll.

The Returning Officer counted the votes in the Parliament House, New Delhi, on the 10th May, 1957. Counting was completed on the same day and the total number of valid votes polled by the contesting candidates was as follows :—

Counting of votes and declaration of result.

1. Dr. Rajendra Prasad	..	4,59,698
2. Shri Nagendra Narayan Das		2,000
3. Chowdhry Hari Ram	..	1,498

Dr. Rajendra Prasad was declared duly elected to the office of the President of India on the 10th May, 1957. The notification announcing his election as President was published on the same day.

ELECTION OF THE VICE-PRESIDENT

Any citizen of India who has completed thirtyfive years of age and is qualified for election to the Council of States is eligible for election as Vice-President. The members of both Houses of Parliament assemble at a joint meeting to elect the Vice-President in accordance with the system of proportional representation by means of the single transferable vote. The list of electors for the Vice-Presidential election was prepared by the Commission. The voting is by secret ballot.

Qualifications for candidature.

A candidate for election as the Vice-President is required to be qualified for election as a member of the Council of States (and not the House of the People, as in the case of the President) apparently because the Vice-President is the *ex-officio* Chairman of the Council of States.

Shri M. N. Kaul, Secretary to the House of the People, was appointed as the Returning Officer for the election of the Vice-President and Shri N. C. Nandi, Deputy Secretary, Lok Sabha Secretariat, was appointed as the Assistant Returning Officer to assist the Returning Officer.

Appointment of Returning and Assistant Returning Officers.

On the 9th April, 1957, the Election Commission published the following programme for the election :—

Programme for election.

- (a) the 18th April, 1957, as the last date for making nominations;

- (b) the 20th April, 1957, as the date for the scrutiny of nominations;
- (c) the 23rd April, 1957, as the last date for the withdrawal of candidatures; and
- (d) the 11th May, 1957, as the date for taking the poll if necessary.

Declaration of result.

As Dr. S. Radhakrishnan was the only validly nominated candidate, the Returning Officer declared him to have been duly elected to the office of the Vice-President on the 23rd April, 1957.

Non-participation of the snow-bound constituencies in the Presidential election.

On the date of the poll for the Presidential election, the Parliamentary constituencies in the Himachal Pradesh and the Kangra Parliamentary constituency in Punjab were still snow-bound in part and had not been able to complete the election of their members to the House of the People. For the same reason, the Kulu Assembly constituency of Punjab had not been able to elect its member to the Punjab Legislative Assembly. Although these constituencies had been called upon to elect members along with the other constituencies in the rest of the country, the poll had to be postponed by the Election Commission in these constituencies until the snow melted and a poll became practicable. Accordingly, the poll was yet to be held in these constituencies, when the Presidential election took place. As a result, these constituencies were deprived of the right and privilege of participating in the election of the President. If the election of the Vice-President had been contested, they would have been denied the opportunity of participating in that election as well.

Legal position.

A Constitutional doubt was raised as to whether the Presidential election could be legally held before every constituency in the country had elected its member or members to the Legislative Assembly or the House of the People. The view was eventually taken that in view of the provisions of section 73 of the Representation of the People Act, 1951, the failure to complete the elections in the snow-bound constituencies and the resulting existence of vacancies in the House of the People and the Punjab Legislative Assembly on the date of the poll for the Presidential election did not affect the due constitution of the House of the People or the Punjab Legislative Assembly for the purposes of the elections to the offices of the President and of the Vice-President. These elections were accordingly held despite the existence of these vacancies. The Commission feels, however, that such a contingency should, if possible, be avoided in the future and the Houses of Legislature should be fully constituted before elections are held to these high offices.

The climatic conditions which necessitated the postponement of the poll in the snow-bound constituencies will create the same

difficulty on future occasions as well. *There is therefore hardly* any prospect of these constituencies completing their elections along with the rest of the country in any future general elections. It may be urged, of course, that the Presidential or the Vice-Presidential election may not for all time to come happen to take place as in the past immediately after the general elections inasmuch as a casual vacancy might arise sometime or other as a result of which subsequent Presidential or Vice-Presidential elections might take place somewhere about the middle of the term of the House of the People or the Legislative Assemblies. In such a case, the problem would no doubt cease to exist. This can, however, be only a fortuitous solution of the problem. It is accordingly desirable that the law itself should provide for some better solution of the difficulty than has been provided at present. It may be examined whether provision may be made, for instance, enabling the outgoing member or members representing any constituency which has not been able to complete its poll due to unavoidable reasons to vote at the Presidential and the Vice-Presidential elections as if they continue for this purpose to be duly elected members of the respective Houses of Legislature notwithstanding the fact that the Houses have been dissolved or have completed their terms. In the Commission's opinion, such a solution would be fairer and less anomalous than the present position in which several constituencies are deprived practically permanently of the right and privilege of participating in the elections to these high offices.

CHAPTER XXII

RETURN OF ELECTION EXPENSES

Amendment in the law.

Important amendments were made in the law relating to returns of election expenses. The main changes made were the following:—

- (i) A candidate is required to keep the account of his election expenses only in respect of elections to the House of the People and the Legislative Assembly of a State. Candidates for no other elections need keep such accounts.
- (ii) The period for which the accounts are to be maintained has been limited to the interval between the date of publication of the notification calling for the election and the date of declaration of the result thereof.
- (iii) A candidate who has withdrawn his candidature or whose nomination papers have been rejected is no longer required to submit any account of election expenses.
- (iv) Under the old law, a candidate had to make a declaration on oath before a Magistrate and file it along with the return of his election expenses. This declaration has been dispensed with.
- (v) The disqualification arising out of a candidate's failure to lodge a return within the time and in the manner prescribed by law now attaches to the candidate only and not to his agent.
- (vi) The period for which such disqualification subsists has been reduced from six years to three years.
- (vii) Such disqualification entails disability only in respect of membership of Parliament and of the State Legislatures but no longer affects the candidate's right to vote.
- (viii) Every such disqualification already incurred by any person before the 28th August, 1956 for failure to lodge a return of election expenses was removed by sub-section (1) of section 2 of the Representation of the People (Miscellaneous Provisions) Act, 1956.

The result was that all the candidates disqualified for failure to lodge a return of election expenses during the 1951-52 elections, became eligible by operation of law to contest the second general elections. The position will be similar in future general

elections as well in as much as the penalty will be still subsisting at the time of any such general election only in respect of such bye-elections as may have been held within three years or so prior to the same.

(ix) The duty of maintaining a regular and separate account of all election expenses has been thrown primarily on the candidate himself. If he has an election agent, his agent may of course, maintain the account on behalf of the candidate.

(x) Only such expenditure as has been incurred or authorised by the candidate or his election agent during the period intervening between the date of the publication of the notification calling the election and the date of the declaration of the result thereof has to be entered in the account. The result is that no expense, however large the account may be, which is incurred by a party organisation in furthering the prospects of a candidate supported by it is required to be entered in the account of the election expenses of the candidate so long as he can make out that such expense was not authorised by him or by his election agent.

(xi) It is no longer necessary to lodge the account of expenses in a prescribed form with the expenses classified under different heads. It is sufficient under the amended law if a true copy of the account kept by the candidate is lodged in the form in which it has been maintained by him.

(xii) The number of persons who may be employed by a candidate on payment in connection with the election was limited to 4 under the previous law. This restriction has now been removed.

The maximum expenditure which a candidate in a Parliamentary constituency is entitled to incur in connection with his election has been fixed by law to be :—

Maximum election expenses for Parliament.

- (a) Rs. 35,000 if it is a two-member constituency in any State;
- (b) Rs. 25,000 if it is a single-member constituency in any State;
- (c) Rs. 15,000 if it is a two-member constituency in a Union territory; and
- (d) Rs. 10,000 if it is a single-member constituency in a Union territory.

The maximum expenditure that a candidate in any Assembly constituency is entitled to incur in connection with his election

Maximum election expenses for Legislative Assembly.

has been fixed by law according to the scale given in the following table:—

Name of the State						Single-member constituency	Two-member constituency
						Rs.	Rs.
Andhra Pradesh	..	..	..	..	..	7,000	12,000
Assam	..	..	..	..	..	6,000	11,000
Bihar	..	..	..	..	..	8,000	13,000
Bombay	..	..	..	..	..	8,000	13,000
Kerala	..	..	..	..	..	7,000	12,000
Madhya Pradesh	..	..	..	..	..	7,000	12,000
Madras	..	..	..	..	..	9,000	14,000
Mysore	..	..	..	..	..	6,000	11,000
Orissa	..	..	..	..	..	7,000	12,000
Punjab	..	..	..	..	..	7,000	12,000
Rajasthan	..	..	..	..	..	6,000	11,000
Uttar Pradesh	..	..	..	..	..	9,000	14,000
West Bengal	..	..	..	..	..	7,000	12,000

Account of election expenses.

Every candidate or his election agent, if he has one, is required to keep a separate and correct account of all expenses in connection with the election which have been incurred or authorised by him or by the election agent between the date of publication of notification calling the election and the date of declaration of the result, both dates inclusive.

Any candidate who incurs or authorises the incurring of expenditure in excess of the maximum prescribed by law is guilty of a corrupt practice and in case he has been elected, is disqualified for being a member of any Legislature.

Prescribed particulars for account.

The law requires the account of election expenses to contain the following particulars:—

- (a) the date on which each item of expenditure was incurred or authorised;
- (b) the nature of the expenditure (as for example, travelling, postage or printing and the like);
- (c) the amount of the expenditure:—
 - (i) the amount paid;
 - (ii) the amount outstanding;
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of the voucher, if the amount has been paid;
- (g) the serial number of the bill, if any, if the amount is still outstanding; and
- (h) the name and address of the person to whom the amount so outstanding is payable.

The candidate is required to obtain a voucher for every item of expenditure unless from the nature of the case (such as postage, travel by rail and the like), it is not practicable to obtain a voucher.

It is not necessary to give the particulars mentioned in item (e), in regard to items of expenditure in respect of which vouchers cannot be obtained.

All vouchers and bills are to be lodged along with the account of election expenses. They are to be arranged chronologically and serially numbered by the candidate or his election agent. These serial numbers are required to be entered in the account under items (f) and (g).

The law requires that a true copy of the account of the election expenses shall be lodged with the Returning Officer by every contesting candidate. The account has to be lodged within 30 days from the date of election of the returned candidate. If there are two returned candidates and the dates of their election are different, the account must be lodged within 30 days of the latter of those dates. The date of election of a returned candidate is the date on which the Returning Officer has declared him to have been elected whether it was a contested or an uncontested election.

Lodging of
account.

Under section 7(c) of the Representation of the People Act, 1951, a person shall be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly of a State if he has failed to lodge an account of his election expenses within the time and in the manner prescribed by law. Such disqualification will be effective until three years have elapsed from the date on which the account was due to have been lodged unless the Election Commission has removed the disqualification earlier. The disqualification will not, however, take effect until the expiration of two months from the date on which the Election Commission has decided that the account of election expenses has not been lodged within the time or in the manner required by law. If a returned candidate incurs the disqualification, he loses his seat in the Legislature.

Penalty for failure to lodge return of election expenses.

Within two days from the lodging of the account of election expenses by a candidate, the Returning Officer issues a notice on his notice board specifying the name of the candidate and the date on which he lodged the account, as also the time and the place where the account can be inspected. On payment of a fee of Rupee one, any person can inspect the account.

Scrutiny of
accounts.

Soon after the expiration of the time limit for the lodging of election expenses accounts, the Returning Officer is required to

report to the Election Commission the names of all contesting candidates in the constituency and to state whether they have lodged their accounts of election expenses. The date on which each candidate has lodged his account is also to be reported and the Returning Officer is required to record his opinion whether the account has been lodged within the time and in the manner required by the law. The Returning Officer has to post a copy of such report on his notice board for general information. The Commission considers the report and decides whether any contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by law.

Disqualification
and removal
thereof.

If the Commission decides that any contesting candidates have failed to lodge the account of election expenses within the time and in the manner required by law, their names are notified in the Gazette and every such candidate is informed of the decision. Any contesting candidate who has been so notified may at any time thereafter submit a representation in writing to the Election Commission for the removal of the disqualification incurred by him. He is required to supply the Returning Officer with a copy of his representation simultaneously with the account of his election expenses if it has not been lodged earlier. Within five days of the receipt of the copy, the Returning Officer forwards it to the Election Commission along with the account of the candidate's election expenses, if any, with such comments as he may wish to make thereon. The Election Commission then considers the representation submitted by the candidate and the comments of the Returning Officer thereon, and after making such inquiry as it thinks fit, decides whether or not the disqualification of the defaulting candidate should be removed.

Statistics.

The following table shows the number of candidates who incurred disqualifications in respect of the second general elections to the House of the People and the State Legislative Assemblies for failure to lodge the account of election expenses within the time and in the manner required by law and the number of cases in which the disqualifications have so far been removed by the Election Commission:—

TABLE

	House of the People	State Legislative Assembly
No. of candidates	1,594	10,794
No. of disqualifications imposed	267	2,562
No. of disqualifications removed	70	288

Some of the State Chief Electoral Officers have expressed the Comments
 opinion that the maximum scales of election expenditure prescribed by law are too low.

The Commission entirely agrees with this view. It is very often alleged that candidates find it impossible to restrict their election expenses to the legal maximum and that in order to avoid disqualification they are compelled to file incorrect accounts of their election expenses so as to keep the total expenditure incurred by them (as acknowledged in their accounts) below the prescribed limit.

The Commission is constrained to record that the amendments to the Representation of the People Act made in 1956 in so far as the account of election expenses is concerned have rendered the entire scheme of the Act on this subject practically nugatory. Too many loop-holes have been left in the law with the result that a candidate can easily evade the objectives of the law if he is so inclined. It will be noticed that the restriction of the period of accounting to the interval between the date of the notification and the date of the declaration of the result completely exempts all expenses incurred or authorised by a prospective candidate prior to the notification. An unscrupulous candidate is therefore legally free to flout the legal maximum of election expenditure by adopting several subterfuges. He may, for example,—

- (i) buy up and pay for all the petrol needed by him for his election campaign before the date of notification;
 - (ii) hire all the vehicles needed for the campaign and pay for them in full before that date;
 - (iii) pay the bulk or the whole of his printing and publicity charges before that date;
 - (iv) engage and pay all his workers and agents in advance before that date stipulating that they will render their services to him later during the election campaign;
 - (v) he may pay large sums of money to his party and to his friends before that date on the understanding that they will spend the amounts on his behalf before and during the election campaign without any further specific reference to him in respect of each individual item of expenditure;
- and so on.

However large the expenses actually incurred by a candidate in respect of his election may therefore be, there is ample scope for him under the present law to manage to keep the portion thereof *accountable in law* down to a figure well below the permissible maximum.

There were frequent complaints that even the old provisions of the Representation of the People Act limiting election expenses used to be flouted with impunity although they were very much stricter in their terms. The Commission is constrained to observe that the amended provisions of the law as they stand do not appear to serve any useful purpose whatsoever, and are now merely a source of unnecessary irritation to the candidates while their implementation still continues to throw a heavy burden of work upon the Commission which is required to check thousands of accounts of election expenses lodged by the candidates. For technical defects detected in these accounts, many of the candidates are first disqualified and subsequently those of them who make representations for the removal of their disqualifications have their disqualifications removed after they have removed such defects. The number of candidates who were disqualified after the second general elections was as many as 2,829. The disqualifications incurred by about 13 per cent of those persons have so far been removed. The maintenance of the staff required to deal with this work in the Commission cost the exchequer as much as Rs. 18,900 during the year 1957-58 and about Rs. 10,000 during the year 1958-59. All this expenditure of public time and money would have served some purpose if the provisions of the law relating to the maintenance of the accounts of election expenses had served as an effective check against candidates spending any money beyond the maximum permitted by law.

Recommendations.

The law on the subject obviously calls for drastic amendments. If an effective check cannot be devised and enforced by law for preventing candidates from spending too lavishly for their election, it would be more straightforward in the Commission's view to delete the present provisions altogether. This would not perhaps make the position any worse. It would be left to the good sense of the candidates themselves to limit their election expenditure to a reasonable figure and would undoubtedly save many of them from lodging incorrect returns of their election expenses. They would no longer be compelled to adopt ingenious and dubious methods for keeping the accountable amount low enough, so as not to exceed the legal maximum. The Commission feels, however, that although the present provisions of the law are substantially ineffective and call for an immediate amendment, such a desperate measure by way of wholesale deletion of the provisions need not be taken yet and that it would be sufficient for the time being to restore the original provisions of the Act and the Rules which were in force before the 1956 amendments. Such amendments may be incorporated therein as would make the procedure in this respect simpler and less

cumbrous but more effective. The legal maxima of election expenses may, for instance, be revised liberally to higher figures and all expenditure incurred on behalf of a candidate by his party or well-wishers with his constructive consent may be made accountable.

There have been numerous cases where candidates had defaulted in submitting the account of election expenses duly in accordance with law but subsequently made good the defects even before the Election Commission considered their cases and decided to impose disqualification upon them. In such cases it appears to be redundant to issue formal notifications disqualifying the candidates and subsequently removing such disqualifications. Failure to lodge the account of election expenses in time and in the manner prescribed by law results necessarily and compulsorily under the present law in the disqualification of a candidate and the Election Commission has in every such case no option but to notify the disqualification formally in the official Gazette. The candidate subsequently represents for the removal of his disqualification and usually offers a plausible explanation for the default. In the vast majority of such cases the Commission ultimately accepts the explanation of the candidate and removes the disqualification. This calls for another formal notification to that effect in the official Gazette. The procedure is too involved and cumbersome and could be simplified materially by providing that a candidate would incur disqualification only after the Commission has called for the defaulting candidate's explanation and the latter has failed to offer any explanation, or else, the explanation has been considered and rejected by the Commission. Where the Commission has accepted the explanation there should be no disqualification in law and no need to notify any disqualification. The law as it stands at present leads ultimately to the same result as the proposed amendment; but this result is achieved only after going through a considerable amount of unnecessary formalities.

CHAPTER XXIII

ELECTION PETITIONS AND ELECTION TRIBUNALS

Amendments in
the law.

The law relating to election petitions and election tribunals which was in force at the time of the first general elections proved rather cumbersome and dilatory in practice. Many important changes were accordingly made therein shortly before the second general elections with a view to simplify the procedure. The more important changes were (a) simplification of the provision prescribing the period within which election petitions are to be presented, (b) the parties that should be joined as respondents to an election petition, (c) the reliefs that may be claimed by the petitioner, (d) the composition of election tribunals and (e) the power of the Election Commission to withdraw an election petition from one election tribunal and transfer it to another.

Under the previous law, the period within which an election petition had to be presented to the Election Commission was left to be prescribed by Rules made by the Central Government. The rules which were made prescribed the period in a rather vague and round-about manner by relating it to the date of publication of the name or names of the returned candidates in the official Gazette. This gave rise to serious difficulties in as much as prospective petitioners often found it difficult to ascertain readily the exact date of such publication. Moreover, there were differences of opinion in particular cases regarding the time for filing an election petition and the controversy was at times carried up to the High Courts leading to unnecessary litigation and delay. The amended law has set at rest all such controversies. According to it, an election petition has to be presented within 45 days from, but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidates at the election and the dates of their election are different, the last of such dates. The law has also defined the "date of election" of a returned candidate as the date on which he is declared by the Returning Officer to have been elected whatever may be the date of the publication of the names of the returned candidates in the Gazette. There is, therefore, no scope now for any doubt in respect of the date from which the period of limitation has to be computed and the last date by which an election petition must be presented.

After the first general elections there was also considerable controversy regarding the persons who were to be joined as respondents to an election petition. The law then in force required that all duly nominated candidates at an election shall be joined as respondents. Here, again, opinion was divided as to

which candidates should be taken to have been duly nominated and as such to be considered as necessary parties. The amended law requires that a petitioner shall join as respondents to his petition,

- (i) all the returned candidates where he claims that the election of any returned candidate is void;
- (ii) all the contesting candidates where he claims in addition that he himself or any other candidate has been duly elected; and
- (iii) any other candidate against whom allegations of any corrupt practice have been made in the petition.

The original provisions relating to the contents of an election petition have also been simplified. It is no longer necessary for every election petition to be accompanied by a separate list containing full particulars of the corrupt practices alleged in the petition. This list was required by the old law to be signed and verified in the same manner as the original petition itself. It is now optional for a petitioner to attach to the election petition any such list or not. If he does so, the list is required to be signed and verified by him in the same manner as the petition itself.

Under the old law an election petition was required to be published in the official Gazette by the Tribunal after its appointment. This resulted in considerable initial delay and additional expenditure in that the Tribunal had to remain idle during the interval between its appointment and the publication of the petition in the gazette and the service of copies of the petition on the parties. To avoid such unnecessary delay and expenditure, the amended law requires the Election Commission to cause the petition to be published in the official Gazette and to serve copies thereof on the respondents before it appoints the tribunal. The tribunal is appointed only after such publication and service have been made. The Commission also fixes the date of the first appearance of the parties to the petition before the tribunal.

The power of the Election Commission to dismiss an election petition *in limine* has also been drastically revised. The law now requires the Election Commission to dismiss an election petition after giving due opportunity to the petitioner of being heard, only in such cases where the petition fails to comply with the provisions relating to (a) the period within which the petition is to be presented; (b) the joinder of necessary parties to the petition; or (c) the making of the security deposit in connection with the election petition.

The power that had been originally given to the Election Commission to condone delay in the presentation of an election

petition has been taken away. The Commission is not competent to question the contents of a petition which can be gone into only by a duly constituted tribunal after due notice to the parties to the petition.

Another important change in the law relates to the composition of the election tribunals. At the time of the first general elections, the law required that every election tribunal should consist of three members. The Chairman and one member were to be sitting or retired Judges of the High Court or District Judge while the third member was required to be an advocate. The High Court was required to supply the Election Commission with a list of such serving or retired District Judges and advocates of the High Courts as were fit in its opinion to be appointed to an election tribunal. Experience proved these three-member election tribunals to be unwieldy and often dilatory in their work. This was one of the main causes that led to the inordinate delay in the disposal of many of the petitions.

The decision of an election tribunal had been made final under the old law in order to expedite the final decision of an election dispute. This objective was not achieved in practice, however, inasmuch as the Supreme Court and the High Courts held that nothing in the Constitution or the Act could take away the powers vested in the Supreme Court under article 136 of the Constitution, or in the High Court by articles 226 and 227 of the Constitution. Writ petitions under these articles of the Constitution were therefore entertained by the Supreme Court and the High Courts against the final or even interlocutory orders passed by the tribunals and the disposal of many election petitions was seriously delayed as a consequence.

Three-man tribunals thus proved a costly luxury. The law was accordingly amended so as to provide that an election tribunal shall consist of a single member only and its decision would be subject to an appeal before the High Court of the State. The member of an election tribunal must be a retired Judge of a High Court or a serving District Judge whose name has been included by the High Court in the list supplied by it to the Election Commission of District Judges fit to be appointed to election tribunals.

The law no doubt permits the Commission to appoint a serving District Judge of one State to an election tribunal in another State with the consent of the Government of the former State. This provision has not proved workable in practice and the Commission experienced considerable difficulty in constituting election tribunals in some States for the trial of "important" election petitions. In order to inspire greater public confidence in such a

These difficulties naturally resulted in the trial of some election petitions being delayed considerably. The Commission feels that the only way of resolving these difficulties would be to amend the law so as to restore the original provision which made available to the Commission the services of competent retired District Judges for appointment as members of election tribunals.

Yet another modification that has been made in the law is the vesting in the Election Commission of the power to withdraw an election petition from one tribunal and to transfer it to another. The purpose for which this provision was made does not appear to have been well understood and many transfer applications were filed before the Election Commission on the ground that a particular interlocutory order passed by an election tribunal was not correct or proper. The Commission consistently took the view, however, that this power of the Commission was meant to be purely administrative in character and that it was not intended that the Commission should act as an appellate or revisional court in respect of an election tribunal. The Commission accordingly decided that it has no authority in law to pronounce on the propriety or the merits of any judicial order passed by an election tribunal in the course of the trial of an election petition. Many applications for transfer on the alleged impropriety of orders judicially passed by tribunals had therefore to be rejected by the Commission. 23 applications for transfer were received and out of these 21 were rejected.

The grounds on which the validity of an election can be questioned have been revised in certain material respects. It was not permissible under the old law to take the ground that on the date of his election, the elected candidate was not qualified or was disqualified in law to be chosen to fill the seat. This lacuna was pointed out by the Supreme Court in the case *Election Commission versus Saka Venkata Rao* (2 ELR 499) and has now been removed.

The amended law also provides that the improper rejection of a nomination paper shall in every case be a sufficient ground for declaring the election of a returned candidate void. It is no longer necessary as under the old law to prove that such rejection materially affected the result of the election.

The provisions relating to corrupt practices have also been drastically revised. Provisions in the old law relating to minor corrupt practices and illegal practices which were penalised by the original Act have been removed altogether from the Statute Book. This has no doubt simplified the law but has had undesirable consequences as well. For instance, personation at an election is no longer a corrupt practice although it continues to be an offence under Chapter IX-A of the Indian Penal Code. The result is that even if personation has been proved to have been practised on a fairly large scale in favour of a returned candidate, his election can no longer be challenged on that ground. This anomaly should be removed.

The original Act effectively penalised as a major corrupt practice the obtaining or procuring by a candidate or his agent of any assistance from a Government servant for the furtherance of the prospects of the election of that candidate. This wholesome provision has been watered down to a very large extent by the recent amendments. The ban now applies only in respect of certain restricted categories of Government servants. The assistance of non-gazetted Government servants who are not revenue officers can now be availed of with impunity by a candidate in furtherance of his prospects at an election. The Government Servants' Conduct Rules no doubt provide that no such Government servant shall participate in any election in favour of any candidate. This by itself cannot be wholly effective or salutary unless a penalty is imposed against the candidate as well for having dragged such Government servants into active electioneering. It is in the Commission's opinion very undesirable for the law to permit Government servants of any category to participate in an election in favour of a candidate. Moreover, it is clearly discriminatory to ban one class of Government servants from such participation and not to extend the ban to another class. In the interests of keeping the entire body of public servants impartial and immune from political influences, the Commission would recommend therefore that the provisions of the original Act in this regard should be restored and that a candidate should be penalised for obtaining assistance of any Government servant without any distinction regarding his status or category. Pseudo-Government servants like village officers who are not village accountants may, however, continue to be excluded from the ban.

The final order of an election tribunal took effect under the original Act from the date on which it was published in the official Gazette. Some instances occurred in which such publication happened to get delayed and interested persons took advantage of the delay to obtain temporary stay orders from the superior courts. In some other instances, unusual haste appeared to have been exhibited in expediting the publication of the tribunals' orders before any stay order could be obtained from the superior courts. This was an unsatisfactory state of affairs and has now been brought to an end by an amendment according to which the order of the tribunal takes effect as soon as it is pronounced. The publication of the order in the official Gazette has now become a mere ministerial act which does not affect the coming into effect of the order in any way. The appellate court has, however, been given the power to stay the operation of the tribunal's order if any appeal is filed.

In view of the desirability of the early disposal of election petitions, the law now provides that they should be tried as expeditiously as possible and that every endeavour shall be made to conclude the trial of every election petition within six months from the date of publication of the copy of the petition in the official Gazette. In fact, 158 petitions only out of the total of 472 arising out of the second general elections could be disposed of within the period of six months.

An election petition cannot be withdrawn except in accordance with the provisions laid down by the law. If the petitioner has applied for withdrawing an election petition, any other person interested therein is entitled to apply to be substituted as the petitioner in place of the original petitioner. A similar provision also applies when the sole petitioner in an election petition dies. In order to evade these restrictions against collusive withdrawals, petitioners in a few cases appear to have resorted to the subterfuge of non-prosecution of the petitions with the result that the petitions had to be dismissed for want of evidence. This effectively denied all opportunity to any other interested person to intervene and get himself substituted as a petitioner. As many as 18 election petitions were dismissed by election tribunals for default by the petitioners in prosecuting the petitions. The Commission feels that this undesirable practice should be discouraged by means of a suitable amendment of the law. It may be provided that if the election tribunal has reason to believe that a petitioner has collusively refused to prosecute the election petition diligently, it shall not dismiss the petition for non-prosecution for default but may, in its discretion, allow any other interested person to be joined as a petitioner.

As many as 472 election petitions were filed in connection with the second general elections, 1957, as compared to 338 for

Withdrawal and non-prosecution of petitions.

Number of election petitions.

the first general elections. In other words, one election petition was filed for every seven elections as compared to one for every ten in the first general elections. This large increase in the incidence of election petitions was unexpected and proved rather disappointing.

The first of these petitions was filed on the 18th March, 1957, and the last on the 10th September, 1957. The number of election petitions filed in respect of elections to the House of the People was 59, while 413 election petitions were filed in respect of elections to the Legislative Assemblies of the States.

Disposals by
Commission.

The Election Commission allowed the withdrawal of 2 petitions and dismissed 16 petitions under section 85 of the Act. In every case of dismissal the petitioner was given an opportunity to show cause why the petition should not be dismissed.

The remaining 454 petitions were published in the official Gazettes and copies thereof were served by post on the respondents. A further notice was later sent to every party intimating (a) the constitution of an election tribunal for the trial of the petition, (b) the place of trial, and (c) the date on or before which parties were to appear before the tribunal. By this notice, the respondents were also directed to file their written statements on the date of their appearance in order that the trial might be expedited.

Constitution of
Election tribunals.

The Commission obtained from the High Court of each State a list of serving District Judges in the State who were considered fit to be appointed as members of election tribunals. The first election tribunal was constituted on the 25th April, 1957. As many as 141 tribunals were appointed. Serving District Judges were normally appointed for the trial of petitions arising within their respective districts or neighbouring districts if the District Judges of the latter districts were not on the approved lists.

53 of the election petitions out of the total of 472 petitions related to Ministers of the Central or State Governments, Speakers of the Legislative Assemblies or important leaders of the political parties. The Commission constituted tribunals on a different basis in respect of these 53 election petitions. As far as practicable, retired High Court Judges usually drawn from a different State, were appointed to the tribunals constituted for the trial of these petitions.

Result of election
petitions.

The result of the 454 election petitions referred to the tribunals was as follows as on the 15th August, 1958:—

(1) Number of petitions dismissed by the tribunals	285
(2) Number of petitions withdrawn before the tribunals	20

(3) Number of petitions allowed by the tribunals	50
(4) Abated on death of petitioners ..	3
(5) Pending	96

14 elections were set aside on the ground of improper rejection of nomination papers by Returning Officers. 15 were declared void because either the elected candidate or one of the contesting candidates was not qualified or was disqualified for election at the time of nomination. 3 elections were set aside on the ground of non-compliance of the provisions of the Constitution, the Act, or the Rules while 18 elections were set aside on the ground of corrupt practices committed by candidates.

Although the amended law provides for a regular appeal against the final order of a tribunal, parties in many instances went up to the High Courts and the Supreme Court by means of writ petitions. Up to the 15th August, 1958, the proceedings of the tribunals were stayed by orders of the Supreme Court and by orders of the various High Courts in 60 cases.

Many of the petitioners did not enclose with their election petitions copies thereof for service on the respondents. The result was that these copies had to be made for the purpose in the office of the Commission. This proved a very heavy task and materially delayed the service of copies of petitions on the respondents. The Commission eventually issued a Press note requiring every petitioner to enclose with his petition one spare copy of the petition for service on each of the respondents and three additional copies for the Commission's use. Whenever this was done, the preliminary steps were expedited and the election petitions could be made ready for trial earlier. A new rule should be added making the supply of these copies a statutory requirement.

Due to the transfer of District Judges from their districts after they had been appointed members of election tribunals delay was occasioned in the expeditious disposal of as many as 65 petitions which had to be transferred to other Judges for disposal.

Up to the 15th August, 1958, 82 tribunals out of 141 disposed of all the election petitions allotted to them for trial.

The whole of the expenditure incurred on election tribunals is initially met by the Government of India and the share, if any, payable by the State Governments is recovered at the end of each financial year. The expenditure is apportioned between the Central and the State Governments at the end of each year in accordance with the principles detailed in Chapter XXVIII.

Writ petitions to Supreme Court and High Courts.

Copies of petitions.

Transfer of Judges.

Progress of disposal of election petitions.

Apportionment of expenditure.

Economy in expenditure.

The Commission impressed upon all election tribunals the need for exercising the utmost economy in the working of the tribunals. The tribunals were directed that the following principles should be followed by them to save all avoidable expenditure:—

- (1) Persons already in the service of the Government should be normally employed on a part-time basis on the staff of the tribunal and no whole-time appointment should be made unless the quantum of work made such appointment unavoidable.
- (2) Whenever the work of the tribunal is completely held up by a stay order issued by a superior Court, every whole-time employee of the tribunal should be put on a part-time basis if he is a permanent employee of the Government. In case he is not a Government employee, his services should be dispensed with and if it is necessary to employ any staff for dealing with the current business of the tribunal, he should be replaced for the duration of the stay order by an employee of the Government on a part-time basis.

Amendments suggested.

Practical difficulties have been experienced on several occasions in regard to the timely communication of the orders of an election tribunal or a superior Court. In order that these difficulties may not occur in future, the Commission recommends that the scope of section 103 of the Representation of the People Act, 1951, may be extended and that it may be specifically provided that whenever a tribunal or a High Court pronounces an order declaring an election to be void, intimation thereof shall be sent immediately by the tribunal or the Court to the Election Commission, the Speaker or Chairman of the House concerned, and to the Chief Electoral Officer of the State. The copy of the full judgement may follow as soon as practicable thereafter.

The Commission further recommends that it should also be provided that an appeal from the order of an election tribunal shall lie only to the Supreme Court (instead of the High Court) in every case where the member of the election tribunal is a retired High Court Judge. Many retired High Court Judges declined to serve on election tribunals for the sole reason that appeals from their orders would be heard by the High Courts. Such refusal sometimes made it difficult for the Election Commission to constitute election tribunals with retired High Court Judges as members for the trial of important election petitions.

Doubts have been expressed as to whether an election tribunal can be constituted in law before the actual service of

notices upon all the respondents. For the avoidance of doubt the word "then" occurring in sub-section (i) of section 86 of the Representation of the People Act, 1951, should be deleted and the reference of an election petition to a tribunal should be made independent of the service of notices upon the respondents. It is a common experience that registered letters containing such notices are delayed or even lost in transit and acknowledgement receipts are often not received back in the Commission. An election petition should not therefore be required to be retained in the Commission indefinitely merely because the record does not contain evidence that all notices have been served.

A great deal of controversy arose in a number of election petitions over the expression "contesting candidates", especially in view of the new provision regarding retirement of candidates (section 55A). The Act does not clearly define the expression. To avoid unnecessary litigation in the future, the expression should be conclusively and authoritatively defined in the Act itself.

CHAPTER XXIV

REFERENCES BY THE PRESIDENT AND THE GOVERNORS

The Law. The Election Commission has to perform an important function under article 103 and article 192 of the Constitution. If any question arises as to whether a member of a Legislature has become subject to any of the disqualifications mentioned in articles 102(1) or 191(1), the question is referred to the President or the Governor, as the case may be, who obtains the opinion of the Election Commission on the question and decides it in accordance with such opinion.

Before it can give a considered opinion in such a reference, the Commission naturally requires further relevant materials besides the bare averments made by the person who raised the question. Neither the Constitution nor the Representation of the People Act, prescribes the procedure to be followed by the Commission in this regard. While the Commission has been charged with the responsibility of tendering a binding opinion on the question of the disqualification of a member of the legislature, it has not been vested with any legal powers which would enable it to hold an adequate enquiry into the issues involved. The allegations made in every such case are of serious consequence to the parties concerned and often involve questions of great public importance. It is very desirable therefore that before coming to a considered opinion on the question referred to it the Commission should be in a position to hold an exhaustive enquiry into the matter in the presence of the parties. As the Commission has not been empowered by law to summon witnesses, examine them on oath or call for documents from the custody of Government or of any private persons, it feels ineffective and helpless unless the parties and the witnesses cited willingly co-operate with it and produce all relevant oral and documentary evidence. Unfortunately, such willing co-operation is not always available. In the absence of the necessary legal powers, the Commission had to content itself in every such enquiry with sending letters of request for the production of documents which appeared to be relevant to the enquiry and for the appearance of witnesses whom the parties desired to examine. There were occasions when a person failed or even refused to appear as a witness before the Commission or to produce a document which had been called for. In one instance, a State Government declined to produce some documents which were in its official custody on the ground that they were confidential in nature. This is an extremely unsatisfactory state of affairs. The Commission should not be placed in the very

invidious position of having to discharge an onerous constitutional responsibility without being given the necessary legal powers which would enable it to do so satisfactorily.

The Commission accordingly recommends that the law should be amended so as to give it the necessary legal powers—

- (i) to compel the production of documents and the attendance of witnesses, and
- (ii) if necessary, to have the evidence of witnesses recorded on commission by an officer of the Commission or by some other person nominated by it,

in connection with every enquiry relating to a reference made to it by the President or a Governor under article 103 or 192 of the Constitution, respectively.

18 such references were received by the Commission up to the 31st July, 1958. In some cases it appeared that the correct legal position had not been properly appreciated by the petitioners and their allegations were based on grounds of disqualification which had already been in existence before the member concerned had been elected. According to the decision of the Supreme Court in the case of Saka Venkata Rao (2 ELR 499), every such pre-existing disqualification is totally irrelevant for the purpose of articles 102 and 191 of the Constitution. The nature of the references.

In one instance, the member in question had already been removed from the membership of the Legislature by an order of court. The Commission did not enter into the merits of the case for obvious reasons.

In a few instances, the petitioners failed to appear before the Commission in support of their petitions. This did not, however, absolve the Commission of its constitutional duty of holding an enquiry into the question raised and tendering its opinion on the reference made to it.

In one case, an interesting objection was taken on the point of jurisdiction. It was urged that if an enquiry is necessary to ascertain the facts, the Commission had no jurisdiction to hold such enquiry and that the enquiry should be held by some other person or authority appointed by the President or the Governor. It was further urged that the Commission was to give its opinion on the basis of the facts so elicited. The objection was overruled by the Commission on the ground that it was not a mere legal advisor nor was it obliged to accept whatever facts an outside authority might consider to have been proved. It is quite conceivable that the findings of fact made by any other person or authority might be considered by the Commission to be incomplete, inconclusive or incorrect. The intention of the provision of the Constitution cannot be to tie the hands of the Commission by any set of facts found in advance by some other person or authority. There is no provision in law specifically

debaring the Election Commission from itself holding an enquiry into the facts of a case referred to it. The Commission decided accordingly that its power to hold an enquiry in such a case is impliedly inherent. As the Governor or the President is required to accept the opinion of the Commission, it is the Commission which is, by implication, the appropriate enquiring authority and has to take the necessary steps to ascertain all the relevant facts and circumstances. It has to give its decisive opinion which can be arrived at only after collecting, considering and analysing the material facts of the case and the law that is applicable to such facts. The Commission's constitutional duty and responsibility cannot be adequately or satisfactorily discharged unless it is free to hold such enquiry as it considers necessary before arriving at a fair and well-considered opinion. In every such reference therefore, the Commission has itself held such enquiry as was practicable before it tendered its opinion to the Governor or the President.

Most of the references raised the question of alleged disqualifications under sections 7(d) or 7(e) of the Representation of the People Act, 1951. In one case the subject matter of the enquiry was whether a member still retained his partnership in a grain business which had dealings with the Government while the question raised in another was whether the member was still a partner of a press which printed the electoral rolls or, in a third case, partner of a firm which had entered into a contract with the State Government for publishing Government-sponsored text books. In some other cases again, the Commission was called upon to interpret whether a Deputy Minister of a State who is apparently unprotected in terms by articles 102 (1)(a) or 102(2) or 191(1)(a) or 191(2) of the Constitution could be said to be holding an office of profit under the State Government. In the latter category of cases, appropriate and timely legislation would have altogether avoided the reference. In one case, the question was raised whether appointment of a member of a Legislative Assembly as an Honorary Project Executive Officer under the State's Community Project Scheme entailed her disqualification. The question was answered in the negative. In another case a member of a Legislative Assembly entered into a contract with the State Government in connection with the execution of a road project under the "drought scheme" of the State. The Commission held that the member had incurred a disqualification on the finding that the prospect of making any financial gain out of the contract was not a condition precedent for rendering the contract a disqualification and that even the opportunity the member obtained by the contract to nurse his constituency and to favour his supporters in the execution of the contract constituted a sufficient consideration.

CHAPTER XXV

PUBLICITY

For obvious reasons political propaganda and publicity are Party propaganda. carried out by political parties most intensively during a general election. An election campaign is in fact largely fed and sustained by propaganda and publicity carried out by the rival political parties and candidates. By its very nature, all such propaganda must be necessarily partisan in favour of the party or the candidate concerned. Party propaganda is not meant to be primarily informative but, on the other hand, cannot but be laudatory or recriminative to a large measure. Its primary object is not to impart political education to the electorate but to persuade the voters to vote in favour of a particular political party or candidate.

In a young democracy like India where the great bulk of the electorate is unfortunately still illiterate, it goes without saying that there is a great deal of ignorance amongst large sections of the public about the fundamental features of our Constitution, the composition, functions and powers of the State Legislatures and the Union Parliament as also the role of the common voter in bringing these legislatures into existence through his vote. Unless the common citizen can intelligently appreciate the nature and functions of the legislatures and the financial powers vested in these bodies, he cannot adequately realise the significance or the value of his vote, nor can he exercise it with the requisite degree of intelligent deliberation and clear understanding of the issues involved.

Political propaganda undertaken by the political parties and the candidates at an election no doubt plays an important though indirect role in educating the electorate in some of these matters, but it cannot be expected to be adequate or fully objective in view of its obvious limitations.

There is, therefore, a vital necessity in a country like India to explain to the electorate in an objective and non-partisan manner the basic features of the democratic system of Government, the role of the individual elector therein, the value and importance of his vote, the real meaning and purpose of the elections and the mechanics of the poll through which the will of the nation is expressed. If the Government of the day were to undertake this task of educating the electorate in the fundamental theory and practice of democracy, their actions would most certainly be misconstrued and looked upon with suspicion by the opposition parties who would accuse the Government of applying public

Political education of the electorate through objective publicity.

funds for conducting political propaganda in favour of the party in power.

The Election Commission accordingly proposed and the Government of India and the State Governments readily agreed that all Governmental publicity for the purpose of educating the public in these matters in connection with the second general elections should be planned and carried out under the direction of the Commission.

Broadsheets, posters and folders. At the instance of the Commission, the Ministry of Information and Broadcasting of the Government of India published the following :—

- (a) 1,900,000 copies of a broadsheet entitled "How you should vote".
- (b) 950,000 copies of a poster entitled "Maintain Order at Polling Stations".
- (c) 950,000 copies of a poster entitled "One voter votes at a time".
- (d) 1,900,000 copies of an illustrated folder entitled "Hints for voting".

These were published in 13 languages, namely, Hindi, English, Urdu, Gurmukhi, Oriya, Gujarati, Marathi, Tamil, Telugu, Malayalam, Kannada, Bengali and Assamese and widely distributed throughout the country.

Short film. A short film entitled "It is your vote" was brought out by the Ministry of Information and Broadcasting under the supervision of the Commission. This film was exhibited in the four thousand and odd cinema halls in the country. Copies of the film were made in two sizes for exhibition viz., 472 prints for 16mm. size projectors and 662 prints for 35mm. size projectors. The cost of production of this film was Rs. 20,139. The film was dubbed in 13 languages, namely, Hindi, English, Tamil, Telugu, Bengali, Marathi, Gujarati, Oriya, Punjabi, Kashmiri, Malayalam, Kannada and Assamese. The film explained to the electorate the meaning and the value of their votes and exhorted all adult citizens to exercise their franchise freely and intelligently. In making the film, the most scrupulous care was taken to avoid any matter which might be construed as propaganda in favour of any political party.

Cinema slides. Six cinema slides covering the subjects mentioned below were shown throughout the country :—

- (1) Vote without fear. Your vote is secret.
- (2) Maintain order at polling stations.
- (3) Form separate queues for men and women.
- (4) One voter votes at a time.

Put your ballot paper into the ballot box through the slit painted white, and

(5) It is your duty to vote.

Three thousand copies of each slide were made and distributed for exhibition.

The Chief Election Commissioner broadcast on five occasions **Radio broadcasts** from the Delhi Station of the All India Radio in English. The subjects covered by these broadcasts were (i) Electoral rights for displaced persons, (ii) Appeal to citizens to check electoral rolls, (iii) Procedure for the coming general elections, (iv) Ensuring free and fair elections, and (v) Appeal for clean elections. The Chief Electoral Officers in the States and the Union territories also spoke from the regional stations of the All-India Radio on topics similar to those mentioned above. These talks were later re-broadcast in the regional languages from the various stations of the All-India Radio.

An election "quiz" programme was undertaken by the Delhi **Radio "Quiz" Programme.** Station of the All-India Radio in which officers of the Election Commission answered on two occasions 26 queries made by the public on matters relating to elections. The programme attracted considerable notice and may, with advantage, be undertaken on a large scale on future occasions.

The All-India Radio further broadcast additional talks in **Other radio broadcasts.** special audience programmes, particularly in the "Women's programme". Special election features were also included in the rural broadcasts, industrial broadcasts and broadcasts for women. Features, documentaries and dramatised presentation of matters connected with the elections were also broadcast with a view to emphasise points like the duty of every citizen to vote, secrecy of the ballot and such other matters.

Elaborate and creditable arrangements were made by the **Broadcasting of election results.** All-India Radio to cover election results promptly as soon as they had been declared and special bulletins were introduced for this purpose from all stations. Stations which did not broadcast regional news were provided with special staff in order that the news coverage for the elections might be similar in respect of all the States.

In fact the election results from even the remotest corner of the country were announced over the All-India Radio Stations within a few hours after they had been declared by the Returning Officers. The results declared by the Returning Officer *upto* 1 a.m. in the night were invariably announced by the All India Radio in its special bulletin from New Delhi at 6-40 a.m. The detailed election results were prominently displayed by all the daily newspapers of the country.

Broadcasting facilities for political parties.

Before the first general elections of 1951-52, the question arose as to whether broadcasting facilities could be made available to the political parties as is customary in the United Kingdom and some other countries for enabling them to present before the electorate over this medium their respective election manifestoes and appeals for electoral support. In the Report on the first general elections the Commission made the following observations on the question :—

“On account of the multitude of parties, the strength and standing of some of whom were difficult to ascertain, the matter became too controversial and the Election Commission advised Government that it would be almost an impossibility to apportion broadcasting facilities amongst the numerous ‘recognised’ parties with reasonable fairness and to the general satisfaction of the public. The Government accepted the Commission’s advice and no broadcasting facilities were extended to the parties for their election campaign. Now that the number of ‘recognised’ parties has considerably decreased and their comparative strength in the country accurately ascertained, it may be possible to reopen the question and evolve a reasonably satisfactory scheme for extending this facility to the parties for the next general elections.”

In September 1956, the Commission made to the Government of India a tentative suggestion that a basic quota of 30 minutes of broadcasting time may be allotted to each recognised political party out of which ten minutes might be made available upto the last date of withdrawal of candidatures while the balance of 20 minutes could be availed of between such withdrawal and the commencement of the poll. The Commission further suggested that the broadcasts on behalf of the recognised All-India Parties might be made on the national programme while that of the recognised State parties might be made from the stations in the respective States where they were recognised. In addition to this basic quota, the Commission suggested that each recognised political party might be given a further quota of broadcasting time calculated on the basis of the percentage of votes secured by the party at the previous general election. The Commission was hopeful that the details of some such basis of calculation of quota could be worked out by general agreement in consultation with the recognised political parties. In the All-Parties conference convened by the Commission in November, 1956, the subject was discussed tentatively and the reactions of the political parties were conveyed to the Government of India.

The suggestions made by the Commission could *not*, however, be accepted by the Government of India, and on the 19th December, 1956, the Minister for Information and Broadcasting made a statement on the subject in the House of the People. In course of that statement, he made the following points:—

- (a) The practice in this respect is not uniform in the other democratic countries.
- (b) The relevant factors to be taken into consideration are—the area of a country, the form of its Government—Federal or Unitary—and the number of political parties in the country.
- (c) In the U.S.A., broadcasting is run by private enterprise. Though some principles of equal opportunity are laid down by the Federal Communications Commission, radio time has to be purchased and bickerings and dissatisfaction exist.
- (d) In Britain, this facility has been afforded since the second world war only and time is allotted to the parties on the basis of their respective strength and other practical considerations.
- (e) No such facility is allowed in Switzerland.
- (f) It is allowed in France but the time allotted is extremely short.
- (g) In some countries apportionment of time is made according to the number of votes polled and in others according to the number of candidates put up by each party.
- (h) In India, the question was made more complicated than in other countries because of 12 regional languages, 26 broadcasting stations and as many as 27 political parties. Giving time to all political parties would mean a drastic curtailment of the normal activities of the All India Radio.
- (i) No workable formula was possible for allotting broadcasting time to the political parties without giving rise to criticism and imputation of partiality.

The Government decided on all these considerations that by way of an experimental measure, only the four all-India parties would be allowed to supply summaries of their respective election manifestoes and that these would be broadcast by the All-India Radio subject to the usual rules. No summary would be allowed to exceed 10 minutes in duration and was to be broadcast on the same day in English and Hindi from Delhi and in the various regional languages from the other stations of the All India Radio.

On the 10th February, 1957, it was announced that the above-offer of the Government had not been favourably received by all the parties except the Indian National Congress. The Government accordingly withdrew the offer and declared that the All India Radio would keep itself severely aloof from party politics. In the statement that he made, the Minister for Information and Broadcasting, made the following additional points :—

- (i) the All India Radio had been already giving the fullest possible coverage to the election manifestoes and the aims and objects of the political parties;
- (ii) the manifestoes of all recognised parties whether All-India or State had been broadcast by the All India Radio in extensive summaries in the bulletins;
- (iii) the election speeches of the leaders of the political parties would not be covered, except when they referred to subjects of national or international importance;
- (iv) arrangements had been made to ensure that factual news covering the election from the time of the filing of nomination to the day of the poll would be quickly and fully given by the All India Radio; and
- (v) after counting began, the All India Radio would broadcast the up-to-date result charts daily and, whenever necessary, many times in the day.

The Election Commission regrets that it was not ultimately found possible to make directly available to the recognised political parties the medium of the All India Radio to cover their respective election manifestoes and aims and objects. As observed earlier in this Chapter, the electorate in India cannot yet be said to be fully mature in the political sense and anything that may go to help to develop such maturity should be encouraged within the bounds of practicability. The Commission appreciates that there were many difficulties, administrative and otherwise, which had to be surmounted before it was possible to extend the facilities of the All India Radio to the recognised political parties. In the light of the discussion which the Commission held with these political parties in the All-Parties conference in November, 1956, and the response obtained from them, the Commission ventures, however, to express the view that these difficulties were perhaps not insurmountable and that if they had been placed before the parties by the authorities in time and threshed out at a further All-Parties conference, a practicable scheme generally agreed to by all the recognised All-India political parties might perhaps have been evolved. If the Government of India desire

the Election Commission to help in evolving such a scheme in consultation with these political parties and the technical and administrative officers of the All India Radio and the Ministry of Information and Broadcasting, it might perhaps yet be possible to arrive at a generally acceptable scheme. Even the modest offer that the Government of India made on the 19th December, 1956, might perhaps have obtained acceptance if a spokesman nominated by each recognised All-India Party had been invited to broadcast a previously approved summary of the party's manifesto. The proposal that an announcer of the All India Radio would do so apparently made the offer unattractive to the majority of the parties. Public interest in such broadcasts would certainly have been heightened if a well-known leader of each party made the broadcast himself on behalf of the party.

The Commission again expresses its hope that the question would be further examined in future in consultation with the recognised All-India Political Parties and that a way would be found to make available the use of this effective medium in future general elections in the interest of educating the electorate more adequately and rousing its active interest in regard to the fundamental issues involved in a general election. The Commission would be glad to make its contribution towards bringing about such an agreed solution if requested to do so.

As in the first general elections, a unit of the Press Information Bureau of the Government of India was detailed to work in collaboration with the office of the Election Commission during the election period. As a result, the country was kept fully informed of up-to-date election news through the Press. This arrangement worked admirably and yielded excellent results.

In addition to the publicity centrally conducted, the Returning Officer of every constituency gave wide publicity to the location of the polling stations, the areas and the number and description of voters covered by each of them, the date of the poll at each polling station and the names and other particulars of the contesting candidates. This they did by distributing leaflets, by beat of drums and by news-items in local newspapers.

The Press played a very important role in educating the voters and in creating and maintaining a keen interest in the elections at all stages. The publicity in the Press was of a high order and reasonably impartial and objective.

The Press gave ample coverage to election news right from the announcement of the election programme upto the declaration of results and even after the elections were completed. They stimulated the interest of the electorate and the general public

by giving wide publicity to every matter connected with the elections and thus sustained public interest in the elections all through. The election manifestoes of the leading political parties were given prominent coverage in the Press.

As the election tempo gathered momentum, the Press highlighted every outstanding event as it came and by the time poll commenced, interest in the elections had become all-absorbing. Many newspapers published special articles explaining the voting procedure in detail for the benefit of the electorate. Some of them introduced a new feature containing "Election Tit-bits".

The Election Commission made special arrangements so that election news was made available to the Press as quickly as possible.

CHAPTER XXVI

ROLE OF GOVERNMENT SERVANTS

The Returning Officers, Presiding Officers and Polling Officers play an all-important part in the conduct of elections. The manpower resources available with the Governments are not yet adequate to meet at the time of a general election the entire requirements in respect of Presiding and Polling Officers from the ranks of Government servants. While the great majority of such officers are drawn from the Government services, a small percentage of them is also drawn from the local bodies and non-Governmental educational institutions. In the circumstances, the responsibility for the conduct of the general elections rested almost entirely on the Government servants. In fact, there were few Government servants indeed—Central or State—who could be spared from election duty in order that the poll might not have to be staggered over too long a period for the paucity of polling personnel.

In all, about 1,166,459 Government servants participated in the election operations in different capacities. Similarly, about 3,63,008 who were not Government officials also took part in the election work and carried out different duties in various capacities.

It was essential, therefore, that all Government servants should maintain an attitude of strict impartiality in carrying out their electoral duties in order that their conduct might inspire confidence in the public mind and that there might be no room for any suspicion that they were favouring any party or any candidate.

Impartiality of
Government ser-
vants

Shortly before the second general elections the Election Commission addressed the State Governments reiterating the following points :—

- (1) Government servants should not only act impartially but should also appear to be impartial in relation to the elections. They should so conduct themselves as to inspire confidence in the public mind in regard to their impartiality.
- (2) No Government servant should take any part in any election campaign or canvassing. They should take scrupulous care not to lend their names, official position or authority to assist one political group or individual as against any other.
- (3) In connection with the tours of Ministers immediately before and during the elections, they should continue to make all the usual arrangements to enable the Ministers to carry out their official responsibilities

as Ministers. Government servants should not, however, organise in connection with any Ministerial tours any election meetings nor should they be present in person at any such meeting. This ban would not apply, of course, to such officers who in course of their normal official duties have to attend such a meeting for the purpose of maintaining law and order and making the necessary security arrangements.

- (4) While granting permission to hold an election meeting in a public place, Government officers should not make any discrimination between one political party and another. If more parties than one apply for holding a meeting at any particular place on the same day and at the same hour, they should allow the application of the party which had applied first in point of time.
- (5) Government Officers should give the impression of being completely neutral in their dealings with the candidates, the political parties and their workers.
- (6) All complaints relating to matters connected with the elections should be dealt with promptly and the complainants should be given a courteous hearing and allowed a reasonable opportunity of making out their complaints.
- (7) Prompt and strict action should be invariably taken against every offence committed against the election law irrespective of the fact as to who the offender is or what political party, if any, he belongs to.
- (8) The Magistracy and the police should always retain the initiative in the matter of law and order by not only looking into all complaints fairly and promptly but also by themselves looking out for and bringing to book anyone transgressing the law.

Government Servants' Conduct Rules.

The Government Servants' Conduct Rules which prohibit Government servants from canvassing for or assisting any candidate in any manner or proposing or seconding any nomination papers were specifically brought to the notice of all officials.

Hardships endured by Government Servants.

The vast majority of Government servants had to work very hard during the elections. The Presiding Officers and Polling Officers were a vital link in the vast administrative machinery that had to be set in motion for the conduct of the elections inasmuch as it was they who had to deal directly with millions of illiterate and inexperienced voters on the day of the poll. They had to so implement the election procedure that the voters might

exercise their franchise intelligently and freely according to their individual choice.

Apart from this, the Government officers detailed on election duties had very often to undergo severe physical hardship and inconvenience in reaching remote and far-flung parts of the country and setting up polling stations there often in primitive buildings or in the open and with very rough furniture or none at all. Many of them had to travel long distances in open trucks or even on foot for reaching inaccessible places. They had often to sleep in the open and sustain themselves on strange or hastily procured meals for days together as they moved from one polling station to another for conducting the poll in the backwaters of the interior of the districts.

The Commission has the pleasure to record that as in the first general elections, so in the second, all Government servants in every part of the country cheerfully went through every hardship. It is a matter for pride that they conducted themselves throughout with exemplary fairness and impartiality.

Reports received from the various States before, during and after the general elections reveal that while there were isolated instances of minor lapses on the part of some Government servants, there was no case of any serious abuse of position or authority. Exemplary conduct.

Complaints of partiality or unfairness on the part of Government servants were very rare indeed and most of such complaints received were found on enquiry to have proceeded from an inadequate appreciation of the legal position on the part of those who had made the complaints. It is indeed a matter for gratification that compared to the first general elections a far greater degree of trust and reliance was extended in general by all the political parties and contesting candidates to the officials in charge of election duties.

A few instances will illustrate the high sense of duty and discipline shown by the Government servants as also the risks undertaken by them in discharging their duties:—

- (i) In Madhya Pradesh a lady polling officer was delivered of a child during her journey to the polling station for duty.
- (ii) A serious accident took place on the Gauhati—Shillong Road in Assam involving the motor-car carrying a polling party. This unfortunately resulted in the instantaneous death of a polling officer and injuries to others.
- (iii) In the Nimar (Khandwa) district of Madhya Pradesh a Presiding Officer was travelling by a motor truck from Burhanpur to Nepa Nagar with his party.

On the way, the vehicle ran into a ditch and in the serious accident which resulted, he met with instantaneous death while his companions suffered serious injuries.

- (iv) In the Sehore District of Madhya Pradesh, a Presiding Officer was returning to Sehore after completing the poll at his polling station when his jeep accidentally turned turtle resulting in his instantaneous death.
- (v) A number of instances have been reported to the Commission by the workers of different political parties in which the impartiality of the Presiding Officers was tested in various parts of the country. Under the Rules, a blind or purblind voter has to be assisted by the Presiding Officer while inserting his ballot paper into the ballot box of the candidate of his choice. This is done away from the sight of any other person in order that the secrecy of the vote may be maintained. Election agents of candidates are sometimes suspicious as to whether the Presiding Officer inserts the ballot paper into the correct ballot box. In the instances reported to the Commission, voters with normal eye-sight posed themselves to be blind or purblind voters and carefully watched whether the Presiding Officers inserted their ballot papers into the correct ballot boxes. The Commission is glad to record that in every instance the Presiding Officers were reported to have acted strictly in accordance with the wishes of the voter.

Due credit must also go to the police and the magistracy in maintaining an atmosphere of perfect peace during the poll throughout the country.

CHAPTER XXVII

ROLE OF POLITICAL PARTIES

The successful conduct of a general election in a vast country like India depends to a large extent on the co-operation of the political parties. During the years intervening between the two general elections, the Commission availed of every opportunity of consulting the political parties on all important outstanding problems. A procedure was also developed for election officers at all levels to meet the local representatives of political parties on suitable occasions for mutual consultations and exchange of ideas and information.

The Commission sought the co-operation of the recognised political parties for the successful completion of the elections and took them fully into confidence at every stage. Many difficulties and problems were discussed with them and their views were sought and given due weight. In particular, the Commission invited their opinion about the period and the actual dates which would be most suitable for holding the poll for the second general elections. The election programme was settled by the Commission only after taking their views into account along with those of the Central and the State Governments. The Commission also consulted the political parties before making its recommendations to the Central Government in respect of the amendments proposed to be made in the election law before the second general elections. The Commission acknowledges with gratitude the co-operation and advice extended to it by the political parties in a generous measure.

Consultation with recognised national parties.

At the instance of the Election Commission, steps were taken at the State level by the Chief Electoral Officers to ensure that there was similar co-operation and co-ordination between the political parties and the election machinery of every State in regard to the arrangements for the general elections. Meetings were arranged by the Chief Electoral Officers with representatives of the political parties. In these meetings all difficulties and problems were discussed as they arose from time to time. The different points of view expressed by the political parties were fully considered before taking any final decisions.

Consultation with political parties in the States.

The Commission felt that even the Returning Officers at the constituency level could equally usefully meet the contesting candidates and the local representatives of the political parties as often as necessary during the election period and that such meetings should take place particularly between the last date of the withdrawal of candidatures and the conclusion of the poll. The Commission communicated this advice to the Returning

Consultation with political parties at constituency level.

Officers and some of them did in fact act up to the advice with very encouraging results. Many Returning Officers apparently fought shy of meeting the political parties and the contesting candidates on the eve of the elections. As a result, the friendly co-operation that the Commission desired to establish at all levels between the election machinery and the political parties could not be developed on a wide enough scale at the constituency level. The Commission hopes, however, that such liaison and active co-operation in a common cause will be a common feature in the coming years and would make the elections a truly national undertaking.

The Commission places a good deal of importance on a free and frank exchange of views between the election officials and political parties at all levels in regard to all non-political matters pertaining to elections. As a result of these meetings there was a greater appreciation of mutual difficulties and the scope for misunderstandings was materially reduced. Appeals were made to the political parties in these conferences as also on other occasions to extend their co-operation to the authorities in the maintenance of law and order and the reduction of electoral offences and irregularities so that the elections might be conducted cleanly and in an orderly and peaceful manner. Efforts were made as far as practicable to associate the political parties closely at each different stage of the elections. Copies of press notes and of all instructions and circulars of general interest which were issued from time to time by the Commission and the Chief Electoral Officers were supplied to every political party.

Delimitation of
constituencies.

Some members of the legislatures were appointed as Associate Members to assist the Delimitation Commission in its work. They were selected so as to represent the different political parties. Through these Associate Members, the political parties contributed materially in the task of the delimitation of constituencies. Apart from the Associate Members, many other sitting members of the Central and the State Legislatures, as also other prominent members of the political parties, took considerable interest in the delimitation of constituencies, particularly at the stage of public hearings. In many instances they offered valuable alternative proposals for the Delimitation Commission's consideration and actively took part in the discussions at the public hearings. The Delimitation Commission found many of these alternatives useful in formulating its own final discussions.

Preparation of
Electoral Rolls.

It is, however, unfortunate that political parties still take too little interest in the annual revision of the electoral rolls in non-election years whether such revision is intensive or non-intensive in character. The tremendous task of enrolling hundreds of

millions of voters and keeping the rolls up-to-date had accordingly to be undertaken by the Governmental machinery alone virtually without any effective aid from the political parties.

In order to enable the better organised political parties to play a more effective part in the annual revision of the electoral rolls, the Rules were amended so as to provide for the free supply of two copies of the draft electoral rolls to every recognised political party. It was hoped that the parties would utilise these copies for getting them checked by their workers in the field and point out to the Electoral Registration Officers all mistakes and shortcomings in the rolls which came to their notice.

Free supply of
electoral rolls to
recognised parties.

The parties can play an effective and important part in the revision of the rolls by suggesting (a) the inclusion therein of the names of all qualified persons whose names do not occur therein, (b) the deletion therefrom of the names of persons who are dead or are not qualified under the law and (c) the correction of all defective or erroneous entries. The Commission felt that the parties would not be in a position to render effective assistance to the registration authorities if copies of the electoral roll were supplied to them at so late a stage as the publication of the roll in draft inasmuch as the time at the disposal of the parties for making suggestions for improving the roll would be too short. Any such suggestions received after the publication of the rolls must be made in the shape of formal claims and objections before the Revising Authorities within the short period of 21 days which is available under the law for filing all such claims and objections. Filing formal claims and objections on a large-scale and getting them decided by the Revising Authorities is a cumbrous procedure and is suitable only for individual cases. The Commission accordingly directed that each recognised political party should be supplied with the copies of the electoral roll in two convenient instalments. According to this direction, as soon as the electoral roll for a constituency is finally published in any year, two copies thereof are supplied to every recognised political party by way of the first instalment of the draft electoral roll for the next year. This is done to enable the parties to make all necessary enquiries and to bring at an early stage all defects in the roll informally to the notice of the Electoral Registration Officer. The Electoral Registration Officer is then able to verify every such complaint of defect and incorporate the necessary corrections while preparing the draft electoral roll for the succeeding year. As soon as the electoral roll so corrected is published in the draft in the succeeding year, two copies of the draft roll (if it is reprinted in full) or of the draft lists of amendments (if no such reprinting is undertaken) are supplied to every recognised party as the second and final instalment of the draft rolls. Any further inclusions, deletions or corrections which may

be suggested by the political parties at this stage would of course have to be applied for by way of formal claims, objections or applications for correction.

Parties requested to supply lists of dead, absent or non-existent electors.

The Election Commission had expected that after receiving the copies of the finally published electoral rolls of 1956, the parties would supply to the election officers well before the general elections of 1957 lists of electors who were dead, absent or non-existent. If such lists had been carefully and thoroughly prepared and supplied to the election officers by the political parties, it would have helped materially in making the electoral rolls substantially correct and complete in 1957. Moreover, these lists even if supplied late could have been made use of in checking cases of impersonation of voters at the general elections in 1957. When the copies of the rolls were supplied to the recognised political parties, the Chief Electoral Officers requested them to supply to the Returning Officer of each constituency, at least a fortnight before the commencement of the poll in the constituency, a list of the names of those electors entered in the rolls who had been found by the parties to be dead, absent or non-existent. The parties were also informed by the Commission that it would be preferable and would add to the weight to be attached to such lists if they could co-operate with each other in the matter and submit agreed lists of such persons.

Poor response from parties.

It is disappointing to note that in spite of all these attempts at securing the co-operation of the political parties in improving the electoral rolls, there was very little response from them in this regard and very few lists of dead, absent and non-existent voters were communicated to the Returning Officers. Informal suggestions for amendments to the electoral rolls before they are published in draft have also been very rare from the political parties. The Election Commission is constrained to observe in these circumstances that the main objective of supplying free copies of electoral rolls to recognised political parties has substantially failed so far.

Grievance of unrecognised political parties.

On the other hand, unrecognised political parties have often expressed an understandable grievance to the effect that preferential treatment has been accorded to the recognised parties in this matter and they have criticised this provision of the law as discriminatory in nature. They have demanded that a similar privilege should be extended to them as well, or else, the privilege should be withdrawn from the recognised political parties. The Commission agrees that in case the recognised political parties continue to make no effective use of the free copies of the electoral rolls supplied to them, there would be no justification in future for making a free present of these copies to them and allowing the unrecognised parties to harbour this legitimate grievance. It would, however, be fair to allow some

more time to the recognised parties to gear up their machinery and organisation for effective co-operation in this regard. The Commission hopes that in the coming years the recognised parties would be able to make a material contribution towards the proper and exhaustive revision of the electoral rolls. The question of withdrawing this privilege from the recognised parties may be raised and re-considered only if they have substantially failed to justify this hope.

As the general elections drew nearer, the political parties commenced their campaign for electoral support with vigour and energy. The peak of electioneering was reached only after the nomination papers had been filed. Representatives of political parties attended official election rehearsals and made themselves familiar with the mechanism of the ballot boxes and the practical procedure and mechanics of the poll. It was in a large measure due to the efforts of the political parties and their workers that the voters, particularly the uneducated and the illiterate ones, became election-minded and realised the value of their votes.

Complaints have sometimes been voiced that young students were being utilised to an increasing degree for participation in active electioneering on partisan lines. These complaints were made after the first as well as the second general elections. In view of the not too satisfactory spirit of discipline already prevailing amongst the student population in some parts of the country, there are obvious draw-backs in dragging young and immature boys and girls into the excitement and polemics of the political arena.

The Secondary Education Commission appointed by the Government of India in September, 1952, under the Chairmanship of Dr. A. Lakshmanswamy Mudaliar recommended *inter alia* that suitable legislation should be passed making it an election offence to utilise students below the age of 17 for any of the purposes of political propaganda or election campaign in order that a spirit of healthy and sound discipline might be promoted among the students.

The Commission feels that mere legislation would hardly achieve the objective in view. A strong public opinion in this regard needs to be created first. Once all right-thinking people come to agree that the immature youth of the country need to be protected from the hurly-burly of active electioneering and partisan demonstrations, this evil will be easier to eradicate. At any rate, it is at that stage only that the necessary legislation may be usefully undertaken in this regard. The first step would obviously be to enlist the support of the main political parties in building up a universally accepted convention that no candidate must employ young boys and girls, say, below 18 years of age,

for furthering his election campaign. In the absence of such support, mere legislation in this regard would not only be too controversial a measure but would be likely to prove largely ineffective in practice.

Issue of voters,
identity chits by
political parties.

The political parties and the independent candidates were encouraged to supply to each voter an identity chit containing (i) his name, (ii) his serial number in the electoral roll, (iii) the name of the village or the ward and (iv) the page number of the electoral roll in which his name had been entered. The suggestion was adopted almost universally. The chit was produced by the voter on the date of poll at the polling station and ensured his ready identification. This was of very great help to the polling staff in readily locating the entry relating to every voter on the roll and materially expedited the poll.

Co-operation in
maintaining law
and order.

The Commission gratefully acknowledges the full co-operation extended by all the political parties in the maintenance of law and order during the poll and generally for the successful conduct of the elections in every State. Some complaints were no doubt made by the workers of one party against those of some other rival party in a few keenly contested constituencies. Such complaints were, however, few in number and not very serious in nature. The most significant contribution made by the political parties was their peaceful canvassing during the elections. The parties co-operated with the State election authorities in many ways and it was largely due to their co-operation that the task was so well accomplished.

CHAPTER XXVIII

FINANCIAL ARRANGEMENTS

The conduct of general elections on adult franchise in a large country like India with its teeming millions cannot but be an expensive undertaking. Wherever possible, elections to the House of the People and the Legislative Assembly are, therefore, held simultaneously in the interests of economy.

The Central and the State Governments share on a half and half basis all expenditure on the following items :—

Apportionment of election expenditure between the Centre and the States.

- (1) expenditure in connection with the preparation and printing of electoral rolls;
- (2) expenditure on the conduct of elections to the House of the People and the State Legislative Assembly whenever they are held simultaneously;
- (3) expenditure incurred on the preservation and storage of polling materials like ballot boxes, ballot papers, etc.;
- (4) travelling and daily allowances of Government employees placed on election duties; and
- (5) expenditure on election staff employed in the office of the Chief Electoral Officer and District Officers.

If no simultaneous elections are held, the Central Government bears the entire expenditure incurred in respect of elections to the Houses of Parliament while the State Government bears the entire expenditure incurred in respect of elections to the Houses of the State Legislature.

The Union territories of Delhi, Tripura, Manipur and Himachal Pradesh are directly administered by the Central Government. All election expenditure in respect of these areas is, therefore, met entirely by the Union Government.

The expenditure incurred on every election tribunal is initially debited to the relevant Central Head of Account and the share thereof chargeable to the State is recovered at the end of each financial year. The expenditure on an election tribunal constituted solely for the trial of election petitions arising from elections to Parliament is entirely borne by the Central Government, while that on a tribunal constituted solely for the trial of election petitions arising from elections to a State Legislature is entirely borne by the State Government concerned. Sometimes the same tribunal is appointed for the trial of election petitions relating to elections both to the State Legislature and to Parliament. In such a case, the expenditure incurred on the

Expenditure incurred for election tribunals.

tribunal is ratably shared by the Central and the State Government concerned, the share of each being determined in proportion to the number of election petitions arising from elections respectively to the Parliament or to the State Legislature.

Expenditure incurred for Presidential and Vice-Presidential elections. The expenditure incurred in connection with the Presidential and Vice-Presidential elections is borne entirely by the Central Government.

Expenditure for police arrangements. The Government of India have not agreed to share the extra expenditure incurred by a State Government in the mobilisation and employment of the police or the Home Guards in connection with election duties on the ground that the maintenance of law and order is primarily the concern of the State Government.

Travelling and daily allowances of the polling staff. During the first general elections held in 1951-52, considerable difficulties and delay were experienced in some States in respect of the payment of travelling and daily allowance to the polling staff on duty. In a few instances a long period elapsed before these charges were paid. During the last general elections, however, no serious difficulty was experienced in this respect by the polling staff on duty. Suitable advances had been allowed to them for meeting the major portion of their travelling expenses. In Assam and Tripura, daily allowances were sanctioned to the polling staff at rates higher than normal in view of the special difficulties in regard to transport in many of the areas.

Accommodation for storage of election materials. Considerable difficulty has been experienced at many places in respect of accommodation for the storage and preservation of election materials and records. In most places they are kept or stored in private buildings hired for the purpose and one or more whole-time chowkidars have to be employed at each such place for watching the premises. The Commission is satisfied that it will be cheaper in the long run to have suitable buildings constructed for the purpose on an austere scale. The capital cost of such buildings will be less than the capitalised value of the present recurrent expenditure on this account by way of house rent and incidental charges.

Expenditure for the Election Commission. The expenditure on the Commission's staff is met out of the Consolidated Fund of India.

Total expenditure on general election. The total expenditure incurred during the first general elections amounted to Rs. 10,45,47,099. The expenditure during the general elections 1956-57 amounts to Rs. 5,90,21,786. This figure excludes the routine recurring expenditure on the annual revision of electoral rolls from 1953 onwards. The detailed State-wise figures are given below :—

Name of the State or Union Territory								Total ex- penditure
								Rs.
1.	Andhra Pradesh	..	..	..	..	..	..	72,02,189
2.	Assam	..	..	..	..	..	..	17,05,410
3.	Bihar	..	..	..	..	..	..	62,69,861
4.	Bombay	..	..	..	..	..	..	52,22,384
5.	Kerala	..	..	..	..	..	..	18,47,000
6.	Madhya Pradesh	..	..	..	..	..	..	34,62,111
7.	Madras	..	..	..	..	..	..	58,86,472
8.	Mysore	..	..	..	..	..	..	34,59,625
9.	Orissa	..	..	..	..	..	..	34,89,293
10.	Punjab	..	..	..	..	..	..	26,15,512
11.	Rajasthan	..	..	..	..	..	..	30,91,464
12.	Uttar Pradesh	..	..	..	..	..	..	86,37,035
13.	West Bengal	..	..	..	..	..	..	52,74,021
14.	Delhi	..	..	..	..	..	..	1,75,024
15.	Himachal Pradesh	..	..	..	..	..	..	3,06,752
16.	Manipur	..	..	..	..	..	..	1,17,850
17.	Tripura	..	..	..	..	..	..	2,59,803
GRAND TOTAL.								.. 5,90,21,786

The overall expenditure on each voter in respect of each Cost per voter, general election (Parliamentary and Assembly) comes to 2.4 annas as compared to 4.8 annas during the first general elections in 1951-52. It is gratifying to note that the general elections continue to be cheaply conducted. This is as it should be in a poor country like India.

An approximate amount of Rs. 21,08,660 has been realised Receipts. on account of

- (a) forfeiture of deposits of candidates,
- (b) receipts from sale of electoral rolls,
- (c) inspection fees,
- (d) fees for applications for inclusion of names of electors in the electoral rolls after their final publication,
- (e) copying fees etc.

The Collectors, Returning Officers, and other local officers Permanent ad-
on election duty like Tahsildars, Deputy Tahsildars etc., were vances to election
provided with suitable permanent advances to enable them to officers.
meet all contingent expenditure.

No instance has come to the notice of the Commission where Smooth working
election work was held up for want of funds. All State Govern- of the financial
ments had made adequate provision in their budgets for meeting arrangements.
election expenditure. The existing financial arrangements have
proved quite satisfactory and may be continued in the future.

CHAPTER XXIX

INTERESTING INCIDENTS

In a vast undertaking like a general election in India where the percentage of literacy among the voters is still very low, it would naturally be interesting and at times even diverting to watch the behaviour of some of the voters at the poll. It is not surprising that on the polling day some unusual incidents take place which go to add an element of humour to an otherwise prosaic and serious proceeding. The poll taken during the general elections in 1957 was not, therefore, always as drab and uninteresting an affair as it may sound and did not fail to be relieved by a few humorous incidents here and there.

It would be appreciated, however, that such incidents are by no means typical and occur only once out of a million cases or so. They make news all the same and the Press naturally take delight in publicising and high-lighting such incidents whenever they come to light. It is not surprising therefore, that the public are at times left with an exaggerated idea of the incidence of such cases.

Some of the incidents reported to the Commission are recounted below :—

1. A superstitious voter in a backward district apparently regarded the ballot boxes almost as objects of veneration and was found offering prayers before them before casting his vote.

2. Petals of flowers dusted with vermillion were left upon a few ballot boxes which indicated that some voters had regarded the ballot boxes as objects of worship.

3. In Madras, an old woman voter was actually heard to say aloud inside the polling compartment "In these days you are the King-maker and the Minister-maker. Do grant us more and cheaper rice as in the old days".

4. Some ballot boxes opened at counting were found to contain diverse objects besides ballot papers such as (a) chits wishing success to particular candidates or containing abusive language addressed to them, (b) photographs including a miniature photograph of a Hollywood star, (c) coins, (d) currency notes, etc.

Any cash found in a ballot box was, of course, credited to the Treasury.

5. Madras, Mysore and Orissa reported that a few voters had apparently tried to oblige all the contesting candidates and

proceeded to do so by tearing their ballot papers into pieces and inserting a piece into the ballot box of each of the candidates.

6. Even wild animals appear to have taken an active interest in the novel and unusual activities going on in connection with the poll. At some out of the way polling stations, they were apparently driven by curiosity to approach the scene of these activities and watch the fun.

- (a) In Andhra Pradesh, a panther visited a polling station at about midnight on the night before the poll. Next day, when the polling party was returning to headquarters after the poll at about dusk, a tiger said to be about ten feet in length, stood barring their way and staring hard at the party barely ten yards from their jeep. After an uncomfortable five minutes or so, the party was relieved to see the tiger move away.
- (b) A tiger entered one of the polling stations in Madhya Pradesh the night before the poll and tried to carry away a man sleeping there by his leg. The man's screams aroused the other persons asleep by his side and they raised such a terrific alarm that the tiger was scared away.
- (c) In another polling station in Madhya Pradesh, a panther suddenly appeared on the forest path near the polling station during the progress of the poll and started roaring. The voters present were naturally scared away. It is reported that the visit of the panther prevented more than half the voters of the polling station from exercising their franchise.

7. In a polling station in Bihar, an old woman voter demanded to see "Pandit Nehru" before she would vote. After a good deal of persuasion she was made to accept the fact that the Prime Minister was not present there in person. It was only thereafter that she voted.

8. Uttar Pradesh reports the case of a polling station where a few voters at first demanded to be allowed to vote for "Gandhiji" and "Nehruji".

9. In Madras, a voter refused to exercise his franchise in favour of any person other than "Shri Sukumar Sen", the Chief Election Commissioner. The voter is said to have remarked "I want to vote for Shri Sukumar Sen only and not for the candidate of any of the parties. All these parties have been harassing me with their election propaganda for over a month".

10. For a few voters, the symbol appeared to be all that mattered, the candidate being relegated to the background.

(a) An old illiterate mason turned up at a polling station in Mysore and told the Presiding Officer that the ladder had always been associated with him in his profession since his youth and he wanted, therefore, to vote for the symbol "Ladder". There happened to be a candidate in the Assembly election who had the ladder as his symbol and presumably the mason voted for him. The particular symbol had, however, not unfortunately been allotted to any candidate in the Parliamentary constituency. The voter duly entered the polling compartment for the Parliamentary election after he had voted for the Assembly election but he promptly came out of the compartment with the ballot paper in his hand. He refused to vote in favour of any other symbol than the "Ladder". The Presiding Officer had then to explain the matter fully to him. He was at last persuaded to return to the polling compartment and vote.

(b) In a remote hill constituency in Uttar Pradesh, a candidate had the "Standing Lion" for his symbol. His agent visited a village during the election campaign and canvassed the villagers in favour of the candidate. It happened that he had to spend the night in the village. Unfortunately for the candidate, a leopard attacked a flock of goats in the village that very night and killed a few of them. The villagers decided that the symbol "Standing Lion" was an inauspicious one and had occasioned the leopard's depredations. They sent away the agent next morning telling him that they would never vote for his candidate as he had that inauspicious symbol.

(c) In the same State some boatmen came to vote at a polling station. The first of them who went in to vote apparently looked for the symbol "Boat". When he did not find that symbol on any of the ballot boxes in the polling compartment, he came out very excited and annoyed and demanded the explanation of the Presiding Officer as to why that symbol was not there. The latter explained that no candidate happened to have the "Boat" as his symbol. The boatmen were not convinced by this explanation and left the polling station in a huff without voting after they had taken the Presiding Officer to task for not including the "Boat" as one of the symbols although it had been "sanctioned" from Delhi.

(d) In a polling station in Rajasthan, a blind woman voter asked the Presiding Officer to put her ballot paper in the ballot box which carried the symbol "Buffalo". She explained that her husband had already voted for the symbol "Camel" and that she wanted to vote for the "Buffalo" as they had only these two domestic animals at home. Unfortunately, the "Buffalo" is not an approved symbol and there was no candidate who had that symbol. The Presiding Officer explained the position to the

woman but she refused to vote for any other symbol and left the polling station disappointed.

11. In Rajasthan a man insisted that the Presiding Officer should permit his wife who was not a voter to vote in place of his mother who had not come. He explained that it was his wife who managed his household affairs and not the mother.

12. While inserting her ballot paper into a ballot box, a woman voter in a polling station in Uttar Pradesh cried aloud from inside the polling compartment to the Presiding Officer that eight other women of her village had requested her to cast votes on their behalf as well and that her vote should, therefore, be taken to "represent" their votes also.

13. A dwarf, only two and half feet tall, came to vote at a polling station in Orissa. He insisted on carrying a stool with him inside the polling compartment so that he might stand up on it in order to distinguish the ballot boxes from one another and then to insert his ballot paper unaided into the ballot box of his favourite candidate.

14. One of the candidates in a constituency in Uttar Pradesh had two wives. During canvassing, he was treated with scant courtesy by the women voters who openly jeered him by saying that a person who could not be loyal to his first wife could not be trusted to be loyal to the party which had sponsored him. Presumably this candidate got little support from the women voters at the poll.

15. In Uttar Pradesh, a petition writer who had no reasonable prospect of coming out successful in the contest nevertheless stood as a candidate and held on to the contest to the last. The public wondered at his folly but he appeared to be dead serious. He was eventually routed at the poll so much so that he even lost his deposit. He was not the least perturbed, however, by the result and cheerfully declared at the end of it all that he had succeeded in achieving his real objective, viz., in extensively advertising his name before the public. He added that all this excellent publicity had cost him the small sum of Rs. 250 only (the amount of his deposit) and he expressed the hope that the added custom that such publicity would bring him in his profession in the future would be sure to make this outlay a good enough bargain.

16. A candidate filed his nomination paper in the New Delhi Parliamentary constituency and he described himself therein by the name of "Lord Jesus Christ". He failed to deposit any security, however. The nomination paper was naturally rejected by the Returning Officer at the time of scrutiny

17. There was a case in the Chamba Parliamentary constituency in the Union territory of Himachal Pradesh in which a family had deputed one of their members to vote on behalf of all the voters in the family. He could of course be allowed to vote for himself only.

18. In Uttar Pradesh, an old Muslim couple who had reached the ripe old age of 115 and 112 years respectively and were unable to move about themselves were so keen on exercising their franchise that their sons and grandsons carried them on their shoulders to the polling station where they voted.

19. In Madras, a woman voter who was in an advanced stage of pregnancy insisted on going to the polling station and exercising her franchise. She was barely able to vote for she was delivered of a child almost immediately thereafter.

· CHAPTER XXX

SUMMARY OF RECOMMENDATIONS

The Commission has made a number of recommendations in regard to diverse matters in the earlier Chapters of this Report. These recommendations may be classified under two broad heads, namely, (a) recommendations for amendments to the election law and (b) other recommendations of a general and administrative nature. For the sake of convenience and ready reference the important recommendations are re-capitulated below:—

(a) *Recommendations for amendments to the election law.*

1. Further disturbances to the existing constituencies should be avoided as far as practicable so that the present constituencies which were carefully delimited on the basis of the actual population figures by an independent and impartial high-level body may not require to have their boundaries revised afresh except only for very special and compelling reasons, e.g., the growth of new large cities and towns or large movements of population. The future law of delimitation of constituencies should provide that even when any such revision becomes unavoidable, it should leave as many of the present constituencies undisturbed as may be practicable (Chapter VII). Future delimitation of Constituencies.
2. The number of seats allotted to a district should not be lightly disturbed even if strict arithmetical calculations on the basis of population might call for a change (Chapter VII).
3. It is desirable to continue two-member constituencies until such time that the system of reservation of seats itself disappears. The Commission is not in favour of reserving seats in single-member constituencies in every case. (Chapter VII). Reservation of seats in single-member constituencies.
4. The maximum number of nomination papers an individual candidate may present should be restricted by law to four only. (Chapter XII). Maximum number of nomination papers for a candidate.
5. The provisions of section 55A of the Representation of the People Act, 1951, which permits a contesting candidate to retire after the last date of withdrawal of candidatures until 10 days before the commencement of the poll should be deleted. (Chapter XV). Retirement of candidates.
6. If the provision for the retirement of candidates is not deleted the law should be amended so as to require that if the person presenting a notice of retirement is not personally known to the Returning Officer, he must be identified before the Returning Officer by some one personally known to the latter. (Chapter XV).

- Withdrawal of candidature. 7. A similar amendment should also be made in respect of notices of withdrawal of candidatures under section 37 of the Representation of the People Act, 1951. (Chapter XV).
- Commission's discretion in ordering fresh poll. 8. The Commission should be vested with greater discretion in ordering a fresh poll. (Chapter XVII).
- Refund of deposit for challenging the identity of a voter. 9. The deposit payable by a candidate or his election or polling agent when he challenges the identity of a person claiming to be a particular voter is at present refunded at the end of the poll if it has not been ordered to be forfeited. The Commission recommends that where refundable, the deposit should be refunded immediately and not at the end of the poll and the Rules may be suitably amended in this regard. (Chapter XVII).
- Extension of postal ballot. 10. A provision should be made so as to enable a transferred Government servant to vote by postal ballot. (Chapter XVII).
- Multiplicity of candidates. 11. Undue multiplicity of candidates is undesirable and confusing; effective checks should be devised to curb light-hearted participation in electoral contests, such as,
- (a) the repeal of section 55A of the Representation of the People Act, 1951;
 - (b) the amendment of section 158 of the Representation of the People Act, 1951, so as to require a candidate to poll one-fifth of the valid votes instead of one-sixth (or one-tenth instead of one-twelfth in a constituency in which two members are to be elected) before he is considered to be entitled to a refund of the deposit made by him; and
 - (c) increasing the amount of the deposit payable by a candidate. As this measure is likely to cause genuine hardship to candidates with moderate means who may all the same be serious, it should be adopted only as a last resort if the measures recommended in (a) and (b) have failed to check the present undesirable multiplicity of candidates. (Chapter XX).
- Clarification of section 158 of the Representation of the People Act, 1951. 12. Sub-section (4) of section 158 of the Representation of the People Act, 1951, should be clarified in respect of elections in a Council constituency. (Chapter XX).
- Constitutional difficulty experienced in the Presidential and Vice-Presidential elections. 13. In view of the fact that the snow-bound constituencies are not likely to be able to take part in the elections of the President and the Vice-President in the foreseeable future, some provision may be made to enable the outgoing members representing these constituencies to vote at the Presidential and Vice-Presidential elections as if they continue for this purpose to be duly elected members of the respective Houses of Legislature, notwithstanding the fact that the Houses may have been dissolved or have completed their terms. In the Commission's opinion such a solution

would be fairer and less anomalous than the present position in which several constituencies are deprived practically permanently of the right and privilege of participating in the elections to these high offices. (Chapter XXI).

14. The Commission is of the opinion that the maximum scales of election expenditure prescribed by law are too low. The recently amended provisions of the law in this regard as they stand do not appear to serve any useful purpose whatsoever.

Account of election expenses and the legal maximum of such expenses.

If an effective check cannot be devised and enforced so as to prevent candidates from spending too lavishly, it would be preferable to delete the present provisions altogether. It would, however, be sufficient for the time being to restore largely the original provisions of the Act and the Rules which were in force before the 1956 amendments. Such amendments may be incorporated therein as would make the procedure in this respect less cumbrous but more effective. The legal maximum of election expenses may, for instance, be revised liberally to higher figures and all expenditure incurred on behalf of a candidate by his party or by his well-wishers with his constructive consent may be made accountable. The procedure for disqualifying a candidate for failure to submit his account of election expenses duly and for removing such disqualification is too involved and cumbersome and could be simplified materially by providing that a candidate would incur disqualification only after the Commission has called for and considered his explanation, if any, for the default and rejected it. Where the Commission has accepted the explanation there should be no disqualification in law and no need to notify the same. The law as it stands prescribes a procedure which is dilatory and wasteful and involves a good deal of unnecessary formalities. (Chapter XXII).

15. The scope of section 103 of the Representation of the People Act, 1951 may be extended and it may be specifically provided that whenever a tribunal or a High Court pronounces an order declaring an election to be void, intimation thereof shall be sent immediately by the tribunal or the Court to the Election Commission, the Speaker or the Chairman of the House concerned and to the Chief Electoral Officer of the State. A copy of the full judgement may follow thereafter as soon as may be convenient. (Chapter XXIII).

Prompt report by election tribunal or Superior Court of an order declaring an election to be void.

16. It should be provided that an appeal from the order of an election tribunal should lie direct to the Supreme Court instead of to the High Court in every case where the member of the election tribunal is a retired High Court Judge. (Chapter XXIII).

Appeals to lie before Supreme Court direct where the tribunal is constituted with a retired High Court Judge.

- Reference of election petition to tribunal before receipt of formal return of service of notices on respondents.** 17. For the avoidance of doubt the word "then" occurring in sub-section (1) of section 86 of the Representation of the People Act, 1951, should be deleted and the reference of an election petition to a tribunal should be made independent of the service of notices upon the respondents. (Chapter XXIII).
- Substitution of petitioner in case of default.** 18. Where a petitioner in an election petition fails to appear at any stage during the trial of the petition or defaults in prosecuting the petition for any reason it should be provided that the tribunal should not be required automatically to dismiss the petition for default but should have the power to order any other person to be substituted as the petitioner, if that person might himself have presented the petition. (Chapter XXIII).
- Minor corrupt practices.** 19. Provisions regarding minor corrupt practices and illegal practices which were penalised by the original Act have been removed altogether from the Statute Book. This has no doubt simplified the law but has had undesirable consequences as well. For instance, personation at an election is no longer a corrupt practice although it continues to be an offence under Chapter IX A of the Indian Penal Code. The result is that even if personation has been proved to have been practised on a fairly large scale in favour of a returned candidate his election can no longer be challenged on that ground. This anomaly should be removed. (Chapter XXIII).
- Major corrupt practices.** 20. In the interests of keeping the entire body of public servants impartial and immune from political influences the Commission would recommend that the provisions of the original Act in this regard should be restored and a candidate should be penalised for obtaining the assistance of any Government servant without distinction of status or category. Pseudo-Government servants like village officers who are not village accountants may, however, be excluded from the ban. (Chapter XXIII).
- Definition of contesting candidate.** 21. The term "contesting candidate" should be precisely and authoritatively defined in the Act itself. (Chapter XXIII).
- Appointment of retired District Judges to election tribunals.** 22. In order to avoid delay in the disposal of election petitions the law should be amended so as to restore the original provision which made available to the Commission the services of competent retired District Judges for appointment as members of election tribunals. (Chapter XXIII).
- Supply of copies of petitions.** 23. A new rule should be added making the supply of copies of election petitions a statutory requirement. Every petitioner, should be required to enclose with his petition one spare copy of the petition for service on each of the respondents and 3 additional copies for the Commission's use. (Chapter XXIII).

24. In respect of a reference made by the President or a Governor to the Election Commission, respectively under article 103 or article 192 of the Constitution, neither the Constitution nor the Representation of the People Act prescribes the procedure to be followed by the Commission, nor has the Commission been given the powers of an ordinary court of law for securing the material evidence which would enable it to tender a satisfactory opinion in the matter. The law should be amended so as to give the Commission the necessary legal powers—

Powers of the Commission in references under articles 103 and 192 of the Constitution.

- (i) to compel the production of documents and the attendance of witnesses, and
- (ii) if necessary, to have the evidence of a witness recorded on commission by an officer of the Commission or by some other person nominated by it. (Chapter XXIV).

25. In case the recognised political parties continue to fail to make any effective use of the free copies of the draft electoral rolls supplied to them in helping a proper revision of the rolls, such supply should be eventually discontinued. (Chapter XXVII).

Supply of free copies of draft electoral rolls to recognised political parties.

(b) Other recommendations

1. The Chief Electoral Officer should be given an adequate and appropriate secretariat status in the State Government, e.g., that of a Secretary, Joint Secretary or Deputy Secretary. He should be a senior officer of the State Government. Except for a year or so during the general elections there is no objection to his being a part-time officer but in every such case a junior whole-time officer should invariably be made available to him as his Deputy. (Chapter V).

Chief Electoral Officer.

2. For the sake of efficiency and continuity of policy and procedure there should be an officer like the Deputy Chief Electoral Officer who would be more or less permanently attached to the office of the Chief Electoral Officer and be his second-in-command. (Chapter V).

Deputy Chief Electoral Officer.

3. Frequent changes of the Chief Electoral Officer or his Deputy should be avoided as far as practicable. (Chapter V).

Transfer of Chief Electoral Officer and his Deputy.

4. The election machinery in the districts and their sub-divisions should be put on a more satisfactory and well-thought-out basis. A separate nucleus election office with an adequate permanent staff on a whole-time basis should be set up in every district and sub-division. This office should be temporarily but adequately strengthened by additional hands at the time of an election. The District and Sub-divisional Election Officers may normally be part-time officers who must, however, be relieved of most, if not all, of their other duties at the time of an election. (Chapter V).

Election Offices in the districts and sub-divisions.

Inclusion of Election law and procedure in the syllabus for departmental examinations. 5. The Commission recommends that the most effective method for making Government servants conversant with the election law and procedure would be to include suitable parts of the same in the syllabus for the departmental examinations. (Chapter V).

Training of Presiding and other election officers. 6. The Presiding and other election officers should be given intensive training in the conduct of the poll by means of polling rehearsals and otherwise. (Chapter VIII).

Early adoption of candidates by political parties. 7. The political parties in India should select their candidates for the constituencies well in advance of the general elections. (Chapter IX).

Checking of impersonation. 8. The suggestion made to the Commission that instead of marking the left forefinger of a voter with indelible ink he should be compulsorily vaccinated or revaccinated for small pox before receiving any ballot paper should be considered in consultation with the political parties. A vaccination mark remains fresh and prominent for well over a week and a person who has already voted would not be able to personate another voter for that period. It should be considered whether this check cannot be applied with advantage in the large cities at least where there is greater scope for such impersonation. The Government, the political parties, the general public and the Public Health authorities should give a very earnest consideration to the suggestion and the practicability of adopting it. (Chapter X).

Minimum staggering of the poll. 9. The poll should be invariably completed in every State in as short a period as the available polling personnel is capable of undertaking such completion. The deployment of the available police force should be adjusted accordingly in spite of any hypothetical risk from the purely police point of view. (Chapter XI).

Polling day to be a "dry" day. 10. In every locality the polling day should be declared a "dry" day and the sale of alcoholic liquors banned in areas where total prohibition has not been enforced already. (Chapter XVII).

Discontinuance of lunch interval during the poll. 11. There should be a uniform practice throughout the country in the observance of the lunch interval. The Commission is of the opinion that the provision of a break for lunch in the midst of the poll should be discontinued everywhere. The majority of the States and the Union territories have now decided to do without the interval. The Commission hopes that it will be possible to do so in every State by the time the third general elections are held. (Chapter XVII).

Polling stations. 12. The Central and State Governments have an extensive programme of construction of school buildings and other public premises, like Community halls, Panchayat ghars, etc. As the periodical holding of elections has come to be a normal and

permanent feature of the nations' life, the Commission would suggest that every such public building which may be constructed in future may be so planned that it may be conveniently used as a polling station at the time of an election . (Chapter XVII).

13. The question of evolving a suitable scheme for making broadcasting facilities of the All India Radio available to the recognised political parties may be again examined in future in consultation with the recognised All-India Political Parties and a way should be found to make available the use of this medium in future general elections in the interest of educating the electorate more adequately and of rousing its active interest in regard to the fundamental issues involved in a general election. The Commission would be glad to make its contribution towards bringing about an agreed solution to the problem if requested to do so. (Chapter XXV).

Broadcasting facilities to the recognised political parties.

14. Necessary legislation may ultimately be considered imposing a ban on young persons below the age of 18 years being employed by candidates for participation in active electioneering on partisan lines. For the present, political parties should try to create a convention against minors being employed. (Chapter XXVII).

Ban on employment of minors for electioneering.

15. Suitable buildings should be constructed on an austere scale for the purpose of storage and preservation of election materials and records. (Chapter XXVIII).

Storage of election materials and records.

CHAPTER XXXI

CONCLUSION

The second general elections constituted an important milestone on the path of democracy in India. The high standards set up in the first general elections were fully maintained and it can perhaps now be legitimately claimed that free and fair elections have come to stay and become part of the tradition of Indian political life.

If the first general elections served to teach the vast number of uneducated voters what the vote means, the second general elections familiarised them with the exercise thereof with discrimination and understanding. Another welcome and remarkable feature that has clearly emerged is the implicit and growing confidence which the Election Commission and the election machinery in the States have come to enjoy in the eyes of the political parties and the general public. Within the space of a few years, therefore, doubts which naturally existed as to the preparedness of the people for democratic self-government or the wisdom of extending universal adult franchise in a country with an overwhelmingly illiterate electorate have been completely dispelled. All observers agree now that an election is no longer a merely novel entertainment provided for the electorate in the cities or the countryside but has come to be a serious political struggle between the contending parties and candidates the outcome of which ultimately depends on the deliberate choice made by the electorate as between the contestants. The degree of political maturity displayed by the electorate even in many backward areas has indeed astonished many impartial observers and students of politics.

The task of organizing and carrying through the second general elections was a formidable one and could not obviously have been carried out satisfactorily without the whole-hearted cooperation of everybody concerned. Notwithstanding apprehensions that closer acquaintance with the electoral laws and their loopholes might breed a spirit of misadventure, the electorate as a whole went to the polls peacefully and displayed exemplary discipline and intelligent discrimination. Breaches of the law were extremely rare and the poll was uniformly smooth and efficient.

The political parties and the candidates contributed in no small measure to the success and smoothness of the polls.

The Government servants had an exacting and vital role to play. They displayed commendable public spirit and spared no pains, sometimes undertaking grave personal risk in order to ensure that the election programme went through duly according

to schedule. Their conduct during the elections helped in consolidating the healthy tradition that public servants must perform their duties in connection with elections in an entirely independent and non-partisan manner. As a result, they have not only earned the gratitude and admiration of the nation but have also made their own task easier for the future. The team spirit displayed by the polling parties, often isolated in far flung areas and composed of individuals drawn from different departments having markedly different fields of activities, was in itself a uniquely satisfying experience and went a long way in building up a general code of service morale.

A special mention is deserved by the Police Force. Although they had no direct part to play in the taking of the poll, they performed an onerous task and went through a severe test, often stretched to the limits of their resources, with admirable zeal and efficiency.

The Commission takes this opportunity to express its appreciation of the keenness and devotion displayed by the large number of officers and staff on whose efforts the organization and completion of the elections depended in a large measure. The burden was particularly heavy in the States affected by the States Reorganisation Act as the delimitation of constituencies had to be carried out afresh and implemented in record time. Considerations of space render it impracticable to mention by names all those who distinguished themselves in the States in organising and carrying through the work. Even then special mention must be made of the valuable work done by the Chief Electoral Officers of the States and the Returning and Assistant Returning Officers of most of the Constituencies. The officers of the Commission also deserve to be congratulated for their untiring contribution to the successful completion of the elections. The three Deputy Election Commissioners, Dr. B. K. Bhattacharya, Shri P. S. Subramanian and Shri P. K. Shunglu, I.A.S., toured constantly throughout the country inspecting the election offices in the States and tightening up the election machinery. Special mention is also deserved by Shri A. Krishnaswamy Aiyanger, I.A.S., who was the Secretary of the Commission during the period and had to put forth herculean efforts to keep things moving. Before and during the elections, the rush of work in the Commission called for a sustained and tremendous effort on the part of the entire staff of the Commission which involved long hours of hard work every day over many months. It is a matter for gratification that the staff proved equal to the task and discharged their duties throughout this period with cheerfulness and zeal.

The Commission is deeply grateful to the Press for its invaluable help and co-operation in creating and sustaining public

interest in the elections at all stages. The All India Radio extended every facility to the Election Commission and to the Chief Electoral Officers of the States for the publicity campaign which had to be undertaken to educate the electorate in the fundamentals of the election law and procedure and the correct standard of behaviour which should be demanded of all concerned during the elections. The All India Radio also broadcast the election results with the utmost promptness when they started pouring in.

The Security Press, Nasik Road, handled an overwhelmingly large volume of work with admirable promptness and efficiency and it was through their help that ballot papers and paper seals could be made available in time in large quantities at short notice. The Government Presses in the States also extended praiseworthy help to the Chief Electoral Officers. The Council of Scientific and Industrial Research made a valuable contribution by manufacturing and supplying indelible ink for use in the elections.

The Posts and Telegraphs Department, the Railways as well as the State Transport Services extended valuable and ungrudging co-operation in solving all problems of communication and the movement of election materials and personnel.

Indeed, the second general elections, like the first, turned out to be a co-operative national venture carried through to a successful conclusion by the enthusiasm and determination of the nation as a whole. Not only did everybody pull his weight but many strained themselves to the utmost and rose to magnificent heights of achievement.

APPENDIX

APPENDIX

Extracts from the Constitution

- Name and territory of the Union.

Admission or
establishment of
new States.

Formation of new States & alteration of areas, boundaries or names of existing States.

Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

**Citizenship at the
commencement
of the Consti-
tution.**

- (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement.

shall be a citizen of India.

Rights of citizenship of certain persons who have migrated to India from Pakistan.

6. Notwithstanding anything in article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if—

- (a) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and
- (b) (i) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or
- (ii) in the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government:

Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Rights of citizenship of certain migrants to Pakistan.

7. Notwithstanding anything in articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (b) of article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948.

Rights of citizenship of certain persons of Indian origin residing outside India.

8. Notwithstanding anything in article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefor to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form and manner pres-

cribed by the Government of the Dominion of India or the Government of India.

9. No person shall be a citizen of India by virtue of article 5, or be deemed to be a citizen of India by virtue of article 6 or article 8, if he has voluntarily acquired the citizenship of any foreign State. Persons voluntarily acquiring citizenship of a foreign State not to be citizens

10. Every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this Part shall, subject to the provisions of any law that may be made by Parliament, continue to be such citizen. Continuance of the rights of citizenship.

11. Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship. Parliament to regulate the right of citizenship by law.

52. There shall be a President of India.

The President of India.

54. The President shall be elected by the members of an electoral college consisting of—

Election of President.

(a) the elected members of both Houses of Parliament; and

(b) the elected members of the Legislative Assemblies of the States.

55. (1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President.

Manner of election of President.

(2) For the purpose of securing such uniformity among the States *inter se* as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:

(a) every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the elected members of the Assembly;

(b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;

(c) each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of Parliament, fractions exceeding one-half being counted as one and other fractions being disregarded.

(3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

Explanation.—In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

Term of Office of President.

56. (1) The President shall hold office for a term of five years from the date on which he enters upon his office:

Provided that—

- (a) the President may, by writing under his hand addressed to the Vice-President, resign his office;
- (b) the President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 61;
- (c) the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) Any resignation addressed to the Vice-President under clause (a) of the proviso to clause (1) shall forthwith be communicated by him to the Speaker of the House of the People.

Eligibility for re-election.

57. A person who holds, or who has held, office as President shall, subject to the other provisions of this Constitution, be eligible for re-election to that office.

Qualifications for election as President.

58. (1) No person shall be eligible for election as President unless he—

- (a) is a citizen of India;
- (b) has completed the age of thirty-five years; and
- (c) is qualified for election as a member of the House of the People.

(2) A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

Explanation.—For the purposes of this article, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor of any State or is a Minister either for the Union or for any State.

Conditions of President's office.

59. (1) The President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of any State be elected President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as President.

(2) The President shall not hold any other office of profit.

(3) The President shall be entitled without payment of rent to the use of his official residences and shall be also entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.

(4) The emoluments and allowances of the President shall not be diminished during his term of office.

62. (1) An election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term.

Time of holding election to fill vacancy in the office of President and the term of office of person elected to fill casual vacancy.

(2) An election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall, subject to the provisions of article 56, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

63. There shall be a Vice-President of India.

The Vice-President of India.

64. The Vice-President shall be *ex-officio* Chairman of the Council of States and shall not hold any other office of profit:

The Vice-President to be *ex-officio* Chairman of the Council of States.

Provided that during any period when the Vice-President acts as President or discharges the functions of the President under article 65, he shall not perform the duties of the office of Chairman of the Council of States and shall not be entitled to any salary or allowance payable to the Chairman of the Council of States under article 97.

66. (1) The Vice-President shall be elected by the members of both Houses of Parliament assembled at a joint meeting in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

Election of Vice-President.

(2) The Vice-President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of any State be elected Vice-President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President.

(3) No person shall be eligible for election as Vice-President unless he—

(a) is a citizen of India;

(b) has completed the age of thirty-five years; and

(c) is qualified for election as a member of the Council of States.

(4) A person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or

the Government of any State or under any local or other authority subject to the control of any of the said Governments.

Explanation.—For the purposes of this article, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor of any State or is a Minister either for the Union or for any State.

Term of office of Vice-President

67. The Vice-President shall hold office for a term of five years from the date on which he enters upon his office.

Time of holding election to fill vacancy in the office of Vice-President and the term of office of person elected to fill casual vacancy.

68. (1) An election to fill a vacancy caused by the expiration of the term of office of Vice-President shall be completed before the expiration of the term.

(2) An election to fill a vacancy in the office of Vice-President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after the occurrence of the vacancy, and the person elected to fill the vacancy shall, subject to the provisions of article 67, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

Matters relating to or connected with the election of a President or Vice-President.

71. (1) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.

(2) If the election of a person as President or Vice-President is declared void by the Supreme Court, acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration.

(3) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.

Constitution of Parliament.

79. There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

Composition of the Council of States.

80. (1) The Council of States shall consist of—

(a) twelve members to be nominated by the President in accordance with the provisions of clause (3); and

(b) not more than two hundred and thirty-eight representatives of the States and of the Union territories.

(2) The allocation of seats in the Council of States to be filled by representatives of the States and of the Union territories shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.

(3) The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art and social service.

(4) The representatives of each State in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

(5) The representatives of the Union territories in the Council of States shall be chosen in such manner as Parliament may by law prescribe.

81. (1) Subject to the provisions of article 331, the House of the People shall consist of— Composition of the House of the People.

- (a) not more than five hundred members chosen by direct election from territorial constituencies in the States, and
- (b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

(2) For the purposes of sub-clause (a) of clause (1),—

- (a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and
- (b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State.

(3) In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

82. Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine: Readjustment after each census.

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House.

83. (1) The Council of States shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law. Duration of Houses of Parliament.

(2) The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House:

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

Qualification for membership of Parliament.

84. A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

- (a) is a citizen of India;
- (b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

Vacation of seats.

101. (1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State, and if a person is chosen a member both of Parliament and of a House of the Legislature of a State, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

(3) If a member of either House of Parliament—

- (a) becomes subject to any of the disqualifications mentioned in clause (1) of article 102, or
- (b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be,

his seat shall thereupon become vacant.

(4) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

Disqualifications for membership.

102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

- (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament.

(2) For the purposes of this article a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State.

103. (1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

Decision on questions as to disqualifications of members.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

168. (1) For every State there shall be a Legislature which shall consist of the Governor, and

Constitution of Legislature in States.

(a) in the States of Andhra Pradesh, Bihar, Bombay, Madhya Pradesh, Madras, Mysore, Punjab, Uttar Pradesh and West Bengal, two Houses;

(b) in other States, one House.

(2) Where there are two Houses of the Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly, and where there is only one House, it shall be known as the Legislative Assembly.

169. (1) Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting.

Abolition or creation of Legislative Councils in States.

(2) Any law referred to in clause (1) shall contain such provisions for the amendment of this Constitution as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions as Parliament may deem necessary.

(3) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

170. (1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.

Composition of the Legislative Assemblies.

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

Explanation.—In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.

Composition of
the Legislative
Councils.

171. (1) The total number of members in the Legislative Council of a State having such a Council shall not exceed one-third of the total number of members in the Legislative Assembly of that State:

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty.

(2) Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3).

(3) Of the total number of members of the Legislative Council of a State—

- (a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;
- (b) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;
- (c) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament;
- (d) as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;

(e) the remainder shall be nominated by the Governor in accordance with the provisions of clause (5).

(4) The members to be elected under sub-clauses (a), (b) and (c) of clause (3) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament, and the elections under the said sub-clauses and under sub-clause (d) of the said clause shall be held in accordance with the system of proportional representation by means of the single transferable votes.

(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art, co-operative movement and social service.

172. (1) Every Legislative Assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly: Duration of State Legislatures.

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

(2) The Legislative Council of a State shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.

173. A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he— Qualifications for membership of the State Legislature.

(a) is a citizen of India;

(b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and

(c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

190. (1) No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other. Vacation of seats

(2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States, then, at the expiration of such period as may be specified in rules

LIEC—17

made by the President, that person's seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States.

(3) If a member of a House of the Legislature of a State—

- (a) becomes subject to any of the disqualifications mentioned in clause (1) of article 191; or
- (b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be,

his seat shall thereupon become vacant.

(4) If for a period of sixty days a member of a House of the Legislature of a State is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

Disqualification
for membership.

191. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State—

- (a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- (e) if he is so disqualified by or under any law made by Parliament.

(2) For the purposes of this article, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Minister either for the Union or for such State.

Decision on
questions as
to disqualifi-
cations of mem-
bers.

192. (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

244. (2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam.

324. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States shall be vested in a Commission (referred to in this Constitution as the Election Commission).

Superintendence,
direction and
control of elec-
tion to be
vested in an
Election Com-
mission.

(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.

(3) When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

(4) Before each general election to the House of the People and to the Legislative Assembly of each State, and before the first general election and thereafter before each biennial election to the Legislative Council of each State having such Council, the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission by clause (1).

(5) Subject to the provisions of any law made by Parliament, the conditions of service and tenure of office of the Election Commissioners and the Regional Commissioners shall be such as the President may by rule determine:

Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment:

Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

No person to be ineligible for inclusion in, or to claim to be included in a special electoral roll on grounds of religion, race, caste or sex. 325. There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage. 326. The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

Power of Parliament to make provision with respect to elections to Legislatures. 327. Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses.

Power of Legislature of a State to make provision with respect to elections to such Legislature. 328. Subject to the provisions of this Constitution and in so far as provision in that behalf is not made by Parliament, the Legislature of a State may from time to time by law make provision with respect to all matters relating to, or in connection with, the elections to the House or either House of the Legislature of the State including the preparation of electoral rolls and all other matters necessary for securing the due constitution of such House or Houses.

Bar to interference by courts to electoral matters. 329. Notwithstanding anything in this Constitution—

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;
- (b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People. 330. (1) Seats shall be reserved in the House of the People for—

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and

(c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the House of the People as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

331. Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People. Representation of the Anglo-Indian community in the House of the People.

332. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in the Legislative Assembly of every State. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district except in the case of the constituency comprising the cantonment and municipality of Shillong.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district except from the constituency comprising the cantonment and municipality of Shillong.

333. Notwithstanding anything in article 170, the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate such number of members of the community to the Assembly as he considers appropriate. Representation of the Anglo-Indian community in the Legislative Assemblies of the States.

Scheduled Castes. 341. (1) The President may, with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Scheduled Tribes. 342. (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Definitions. 366. In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

* * * * *

(2) “an Anglo-Indian” means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only;

* * * * *

(7) “corresponding Province”, “corresponding Indian State” or “corresponding State” means in cases of doubt such Province, Indian State or State as may be determined by the President to be the corresponding Province, the corresponding Indian State or the corresponding State, as the case may be, for the particular purpose in question;

* * * * *

(19) “public notification” means a notification in the Gazette of India, or, as the case may be, the Official Gazette of a State;

- (24) "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution;
- (25) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution;

* * * * *

367. (3) For the purposes of this Constitution "foreign State" means any State other than India.

Provided that, subject to the provisions of any law made by Parliament, the President may by order declare any State not to be a foreign State for such purposes as may be specified in the Order.

FIRST SCHEDULE

[Articles 1 and 4]

I. THE STATES

<i>Name</i>	<i>Territories</i>
1. Andhra Pradesh ..	The territories specified in sub-section (1) of section 3 of the Andhra State Act, 1953, and the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956.
2. Assam ..	The territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951.
3. Bihar ..	The territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province, but excluding the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.
4. Bombay ..	The territories specified in sub-section (1) of section 8 of the States Reorganisation Act, 1956.
5. Kerala ..	The territories specified in sub-section (1) of section 5 of the States Reorganisation Act, 1956.
6. Madhya Pradesh ..	The territories specified in sub-section (1) of section 9 of the States Reorganisation Act, 1956.

<i>Name</i>	<i>Territories</i>
7. Madras	The territories which immediately before the commencement of this Constitution were either comprised in the Province of Madras or were being administered as if they formed part of that Province and the territories specified in section 4 of the States Reorganisation Act, 1956, but excluding the territories specified in sub-section (1) of section 3 and sub-section (1) of section 4 of the Andhra State Act, 1953 and the territories specified in clause (b) of sub-section (1) of section 5, section 6 and clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956.
8. Mysore	The territories specified in sub-section (1) of section 7 of the States Reorganisation Act, 1956.
9. Orissa	The territories which immediately before the commencement of this Constitution were either comprised in the Province of Orissa or were being administered as if they formed part of that Province.
10. Punjab	The territories specified in section II of the States Reorganisation Act, 1956.
11. Rajasthan	The territories specified in section 10 of the States Reorganisation Act, 1956.
12. Uttar Pradesh	The territories which immediately before the commencement of this Constitution were either comprised in the Province known as the United Provinces or were being administered as if they formed part of that Province.
13. West Bengal	The territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954 and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.
14. Jammu and Kashmir	The territory which immediately before the commencement of this Constitution was comprised in the Indian State of Jammu and Kashmir.

II. THE UNION TERRITORIES

<i>Name</i>	<i>Extent</i>
1. Delhi	The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of Delhi.

<i>Name</i>	<i>Extent</i>
2. Himachal Pradesh ..	The territories which immediately before the commencement of this Constitution were being administered as if they were Chief Commissioner's Provinces under the names of Himachal Pradesh and Bilaspur.
3. Manipur	The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Manipur.
4. Tripura	The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Tripura.
5. The Andaman and Nicobar Islands.	The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of the Andaman and Nicobar Islands.
6. The Laccadive, Minicoy and Amindivi Islands.	The territory specified in section 6 of the States Reorganisation Act, 1956.

FOURTH SCHEDULE

[Articles 4(1) and 80(2)]

ALLOCATION OF SEATS IN THE COUNCIL OF STATES

To each State or Union territory specified in the first column of the following table, there shall be allotted the number of seats specified in the second column thereof opposite to that State or that Union territory, as the case may be.

TABLE

1. Andhra Pradesh	18
2. Assam	7
3. Bihar	22
4. Bombay	27
5. Kerala	9
6. Madhya Pradesh	16
7. Madras	17
8. Mysore	12
9. Orissa	10
10. Punjab	11
11. Rajasthan	10
12. Uttar Pradesh	34
13. West Bengal	16
14. Jammu and Kashmir	4
15. Delhi	3
16. Himachal Pradesh	2
17. Manipur	1
18. Tripura	1
TOTAL ..	220

SIXTH SCHEDULE

[Articles 244(2) and 275(1)]

Autonomous districts and autonomous regions.

1. (1) Subject to the provisions of this paragraph, the tribal areas in each item of Part A of the table appended to paragraph 20 of this Schedule shall be an autonomous district.

* * * * *

(3) The Governor may, by public notification,—

- (a) include any area in Part A of the said table,
- (b) exclude any area from Part A of the said table,
- (c) create a new autonomous district,
- (d) increase the area of any autonomous district,
- (e) diminish the area of any autonomous district,
- (f) unite two or more autonomous districts or parts thereof so as to form one autonomous district,
- (g) define the boundaries of any autonomous district:

Provided that no order shall be made by the Governor under clauses (c), (d), (e) and (f) of this sub-paragraph except after consideration of the report of a commission appointed under sub-paragraph (1) of paragraph 14 of this Schedule.

Exclusion of areas from autonomous districts in forming constituencies in such districts.

17. For the purposes of elections to the Legislative Assembly of Assam, the Governor may by order declare that any area within an autonomous district shall not form part of any constituency to fill a seat or seats in the Assembly reserved for any such district but shall form part of a constituency to fill a seat or seats in the Assembly not so reserved to be specified in the order.

Tribal areas

20. (1) The areas specified in Parts A and B of the table below shall be the tribal areas within the State of Assam.

(2) The United Khasi-Jaintia Hills District shall comprise the territories which before the commencement of this Constitution were known as the Khasi States and the Khasi and Jaintia Hills District, excluding any areas for the time being comprised within the cantonment and municipality of Shillong, but including so much of the area comprised within the municipality of Shillong as formed part of the Khasi State of Myllem:

Provided that for the purposes of clauses (e) and (f) of sub-paragraph (1) of paragraph 3, paragraph 4, paragraph 5, paragraph 6, sub-paragraph (2), clauses (a), (b) and (d) of sub-paragraph (3) and sub-paragraph (4) of paragraph 8, and clause (d) of sub-paragraph (2) of paragraph 10 of this Schedule, no part of the area comprised within the municipality of Shillong shall be deemed to be within the District.

(2A) The Mizo District shall comprise the area which at the commencement of this Constitution was known as the Lushai Hills District.

*[2B. The Naga Hills-Tuensang Area shall comprise the areas which at the commencement of this Constitution were known as the Naga Hills District and the Naga Tribal Area].

(3) Any reference in the table below to any district (other than the United Khasi-Jaintia Hills District and the Mizo district) or administrative area @[(other than the Naga Hills—Tuensang Area)] shall be construed as a reference to that district or area at the commencement of this Constitution:

Provided that the tribal areas specified in Part B of the table below shall not include any such areas in the plains as may, with the previous approval of the President, be notified by the Governor of Assam in that behalf.

TABLE

PART A

1. The United Khasi-Jaintia Hills District.
2. The Garo Hills District.
3. The Mizo District.
- §4. * * * * *
5. The North Cachar Hills.
6. The Mikir Hills.

PART B

1. North East Frontier Tract including Balipara Frontier Tract, Tirap Frontier Tract, Abor Hills District and Misimi Hills District.

**[2. The Naga Hills—Tuensang Area.]

*Inserted by the Naga Hills—Tuensang Area Act, 1957 (42 of 1957) S.3

@ Ins. by S. 3 *ibid*

§Omitted by S. 3 *ibid*

**Subs. by S. 3 *ibi*

**EXTRACTS FROM THE DELIMITATION COMMISSION ACT,
1952 (81 OF 1952)**

**Procedure and
Powers of the
Commission.**

7. (1) The Commission shall determine its procedure and shall in the performance of its functions have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the production of any document; and
- (c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorize any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorized by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

(5) The Commission as well as any group of associate members shall have power to act notwithstanding the temporary absence of a member or associate member or the existence of a vacancy in the Commission or in that or any other group of associate members; and no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(6) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

Manner of making readjustment and delimitation.

8. (1) The Commission shall, in the manner herein provided, first determine on the basis of the latest census figures—

- (a) the number of seats to be allotted to each of the States in the House of the People and the number of seats, if any, to be reserved for the scheduled castes and for the scheduled tribes of the State, and in doing so, shall

have regard to the provisions of article 81 and article 330; and

- (b) the number of seats to be assigned to the Legislative assembly of each Part A State and of each Part B State other than Jammu and Kashmir, and the number of seats, if any, to be reserved therein for the scheduled castes and the scheduled tribes of the State, and in doing so, shall have regard to the provisions of article 170 and article 332, and shall also ensure that the total number of seats assigned to the Legislative Assembly of a State forms an integral multiple of the total number of seats allotted to that State in the House of the People.

Provided that no reduction shall be made in the number of seats in the House of the People at present allotted to any Part C State which has no Legislative Assembly.

(2) The Commission shall, in the manner herein provided, then distribute the seats allotted to each of the States other than Jammu and Kashmir in the House of the People, the seats assigned to the Legislative Assembly of each Part A State and of each Part B State other than Jammu and Kashmir, and the seats allotted to the Legislative Assemblies of certain Part C States under section 3 of the Government of Part C States Act, 1951 (49 of 1951), to territorial constituencies and delimit them in accordance with the provisions of the Constitution and of the said section 3 on the basis of the latest census figures, and in doing so, the Commission shall have regard to the following provisions, namely:—

- (a) all constituencies shall be either single-member constituencies or two-member constituencies;
- (b) wherever practicable, seats may be reserved for the scheduled castes or for the scheduled tribes in single-member constituencies;
- (c) in every two-member constituency, one seat shall be reserved either for the scheduled castes or for the scheduled tribes, and the other seat shall not be so reserved;
- (d) constituencies in which a seat is reserved either for the scheduled castes or for the scheduled tribes shall, as far as practicable, be located in areas in which the population of the scheduled castes or, as the case may be, of the scheduled tribes is most concentrated but in regard to scheduled castes, care should be taken to distribute the reserved seats in different areas of the State; and
- (e) all constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;

Provided that the Commission may, if it finds it necessary so to do, continue either or both of the existing three-member constituencies, whether with or without alterations in their boundaries, reserving therein one seat for the scheduled castes and another seat for the scheduled tribes.

(3) First in respect of the determination of numbers under sub-section (1), and then again in respect of the distribution of seats and delimitation of constituencies under sub-section (2), the Commission shall—

- (a) publish its proposals, together with the dissenting proposals, if any, of an associate member who desires publication thereof, in the Gazette of India and Official Gazettes of all the States concerned and also in such other manner as it thinks fit;
- (b) specify a date on or after which the proposals will be further considered by it;
- (c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places as it thinks fit; and
- (d) thereafter, determine the matters referred to in sub-section (1) or, as the case may be, in sub-section (2) by one or more final orders.

EXTRACTS FROM THE STATES REORGANISATION ACT,
1956 (37 OF 1956)

Delimitation of Constituencies

40. The number of seats in the House of the People allotted to each of the States and the number of seats assigned to the Legislative Assembly of each Part A State and of each Part B State other than Jammu and Kashmir by order of the Delimitation Commission under the Delimitation Commission Act, 1952 (81 of 1952) (hereinafter in this Part referred to as "the former Commission" and "the former Act", respectively) shall be modified as shown in the Third Schedule.

Allocation of seats in the House of the People and assignment of seats to State Legislative Assemblies.

41. As soon as may be after the commencement of this Act, the President shall by order make such modifications in the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Part C States) Order, 1951, the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Part C States) Order, 1951, as he thinks fit having regard to the territorial changes and formation of new States under the provisions of Part II.

Modification of the Scheduled Castes and Scheduled Tribes Orders.

42. (1) After the said Orders have been so modified, the population as at the last census of the scheduled castes and of the scheduled tribes in the territory which, as from the appointed day, will be comprised in each of the States of Andhra Pradesh, Bombay, Kerala, Madhya Pradesh, Madras, Mysore, Punjab and Rajasthan, shall be ascertained or estimated by the census authority in such manner as may be prescribed and shall be notified by that authority in the Gazette of India.

Determination of population of Scheduled Castes and Scheduled Tribes.

(2) The population figures so notified shall be taken to be the relevant population figures as ascertained at the last census and shall supersede any figures previously published.

43. (1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

Constitution of Delimitation Commission.

(a) two members each of whom shall be a person who is, or has been, a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government; and

(b) the Chief Election Commissioner, *ex-officio*.

(2) The Central Government shall nominate one of the members appointed under clause (a) of sub-section (1) to be the Chairman of the Commission.

Duties of the Commission.

44. It shall be the duty of the Commission—

- (a) to determine on the basis of the population figures notified under section 42 the number of seats, if any, to be reserved for the scheduled castes and scheduled tribes of each of the States mentioned in that section in the House of the People and in the Legislative Assembly of the State, having regard to the relevant provisions of the Constitution and of this Act;
- (b) to determine the parliamentary and assembly constituencies into which each new State shall be divided, the extent of, and the number of seats to be allotted to each such constituency, and the number of seats, if any, to be reserved for the scheduled castes and the scheduled tribes of the State in each such constituency; and
- (c) to revise or cancel any of the orders of the former Commission made under section 8 of the former Act so as to provide, having regard to the provisions of the Constitution and of this Act, for a proper delimitation of all parliamentary and assembly constituencies.

Associate members.

45. (1) For the purpose of assisting the Commission in the performance of its functions under clause (b) of section 44, the Commission shall associate with itself in respect of each new State such five persons as the Central Government shall by order specify, being persons who are members either of the House of the People or of the Legislative Assembly of an existing State:

Provided that such persons shall be chosen, so far as practicable, from among those members who were associated with the former Commission in delimiting constituencies in any part of the territories of the new State.

(2) None of the associate members shall have a right to vote or to sign any decision of the Commission.

Casual vacancies.

46. If, owing to death or resignation, the office of the Chairman or of a member or of an associate member falls vacant, it shall be filled as soon as may be practicable by the Central Government in accordance with the provisions of section 43 or, as the case may be, of section 45.

Procedure as to delimitation.

47. (1) The provisions of section 7 of the former Act shall apply in relation to the Commission as it applied in relation to the former Commission; and in determining the matters referred to in clauses (b) and (c) of section 44, the Commission shall have regard to the provisions contained in clauses (a) to (e) of subsection (2) of section 8 of the former Act.

(2) After determining all the matters referred to in section 44, the Commission shall prepare an order, to be known as the Delimitation of Parliamentary and Assembly Constituencies Order, 1956 and send authenticated copies thereof to the Central Government and to each of the State Governments; and thereupon, that Order shall supersede all the orders made by the former Commission and

have the full force of law and shall not be called in question in any court.

(3) As soon as may be after the said Order is received by the Central Government or a State Government, it shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State.

(4) Subject to the provisions of sub-section (5), the readjustment of the representation of the several constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in the said Order shall apply in relation to every election to the House of the People or to the Legislative Assembly of a State, as the case may be, held after the appointed day, and shall so apply in supersession of the provisions contained in any other law.

(5) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or the Assembly, as the case may be, existing or brought into existence on the appointed day.

(6) At any time within six months of the date of the said Order, any printing mistake found therein and any error arising therein from an accidental slip or omission may be corrected by the Chief Election Commissioner by order published in the Gazette of India.

48. Where any election is held during the year commencing on the appointed day to fill a seat or seats in the Council of States allotted to a new or reorganised States or a seat or seats in the Legislative Assembly or Legislative Council, if any, of such State, any person who is for the time being an elector for a parliamentary constituency or assembly constituency in any of the connected States, shall, for the purpose of sub-section (1) of section 3, clause (c) of section 5 or sub-section (1) of section 6, as the case may be, of the Representation of the People Act, 1951 (43 of 1951), be deemed to be an elector for a parliamentary constituency or assembly constituency, as the case may be, of that new or reorganised State.

Special provision
as to certain elec-
tions.

Explanation.—In this section “new or reorganised State” means any of the States specified in the first column of the following Table, and “connected States,” in relation to a new or reorganised State, means the States specified against that new or reorganised State in the second column:

<i>New or reorganised State</i>	<i>Connected States</i>
1. Andhra Pradesh ..	Bombay and Mysore.
2. Bombay ..	Andhra Pradesh, Madhya Pradesh and Mysore.
3. Kerala ..	Madras.
4. Madhya Pradesh ..	Bombay.
5. Madras ..	Kerala and Mysore.
6. Mysore ..	Andhra Pradesh, Bombay and Madras

THE THIRD SCHEDULE

[See section 40]

ALLOCATION OF SEATS IN THE HOUSE OF THE PEOPLE AND
ASSIGNMENT OF SEATS TO STATE LEGISLATIVE ASSEMBLIES

The number of seats in the House of the People to be allotted to each of the States and the number of seats to be assigned to the Legislative Assembly of each Part A State shall be as shown in the following Table:—

TABLE

States	Number of seats in the House of the People	Number of seats in the Legislative Assembly
1. Andhra Pradesh.. ..	43	301
2. Assam	12	108
3. Bihar	55	330
4. Bombay	66	396
5. Kerala	18	126
6. Madhya Pradesh	36	288
7. Madras	41	205
8. Mysore	26	208
9. Orissa	20	140
10. Punjab	22	154
11. Rajasthan	22	176
12. Uttar Pradesh	86	430
13. West Bengal	34	238
14. Jammu and Kashmir	6	
15. Delhi	5	
16. Himachal Pradesh	4	
17. Manipur	2	
18. Tripura	2	

EXTRACTS FROM THE BIHAR AND WEST BENGAL
(TRANSFER OF TERRITORIES) ACT, 1956 (40 OF 1956)

* * * * *

Legislative Councils

11. (1) Any reference in the Delimitation of Council Constituencies (Bihar) Order, 1951, to the State of Bihar, Bhagalpur division or Chota Nagpur division shall be construed as excluding the transferred territories from that State or division, as the case may be. Bihar Legislative Council.

(2) Every sitting member of the Legislative Council of Bihar representing a council constituency the extent of which is altered by virtue of sub-section (1) shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

12. (1) Any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951, to the State of West Bengal, Burdwan division or Darjeeling district shall be construed as including the transferred territories to that State, division or district, as the case may be. West Bengal Legislative Council.

(2) In the Table appended to the said Order, in the entry in the second column, against West Bengal West (Graduates) Constituency, after the word "Bankura", the word "Purulia" shall be inserted.

(3) Every sitting member of the Legislative Council of West Bengal representing a council constituency the extent of which is altered by virtue of sub-section (1) or sub-section (2) shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

Delimitation of Constituencies

13. The number of seats in the House of the People allotted to Bihar and to West Bengal and the number of seats assigned to the Legislative Assembly of each of those States by order of the Delimitation Commission under the Delimitation Commission Act, 1952 (81 of 1952), shall be modified as follows:— Allocation of seats in the House of the People and assignment of seats to State Legislative Assemblies.

				Number of seats in the House of the People	Number of seats in the Legislative Assembly
Bihar	..	..	..	53	318
West Bengal	..	..	..	36	252

14. As soon as may be after the commencement of this Act, the President may, by notified order, make such modifications in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, as he thinks fit, having regard to the transfer of territories effected by section 3. Modification of the Scheduled Castes and Scheduled Tribes Orders.

Determination of
population of
Scheduled Castes
and Scheduled
Tribes.

15. (1) After the said Orders have been so modified, the population as at the last census of the scheduled castes and of the scheduled tribes in Bihar and West Bengal shall be ascertained or estimated by the census authority in such manner as may be prescribed and shall be notified by that authority in the Gazette of India.

(2) The population figures so notified shall be taken to be the relevant population figures as ascertained at the last census and shall supersede any figures previously published.

Delimitation of
constituencies.

16. (1) As soon as may be after the commencement of this Act, the Central Government shall, by notified order, appoint an authority—

(a) to determine on the basis of the population figures notified under section 15 the number of seats to be reserved for the scheduled castes and the scheduled tribes of Bihar and of West Bengal in the House of the People and in the Legislative Assembly of each of those States, having regard to the relevant provisions of the Constitution and of this Act; and

(b) to revise to such extent as may be necessary or expedient, having regard to the said provisions, the orders of the Delimitation Commission made under section 8 of the Delimitation Commission Act, 1952 (81 of 1952), with respect to Bihar and West Bengal.

(2) The said authority shall perform its functions in such manner and shall follow such procedure as may be prescribed.

THE LEGISLATIVE COUNCILS ACT, 1957

No. 37 OF 1957

An Act to provide for the creation of a Legislative Council for the State of Andhra Pradesh and the increasing of the strength of the Legislative Councils of the States having such Councils and for matters connected therewith.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows :

1. This Act may be called the Legislative Councils Act, 1957. Short title
2. In this Act, unless the context otherwise requires,— Definitions.

(a) each of the words and expressions defined in the Representation of the People Act, 1950, but not defined in this Act, shall have the same meaning as in that Act;

(b) “sitting member” means a person who immediately before the commencement of this Act is a member of a Legislative Council.

3. (1) As from such date as the President may by order appoint, there shall be a Legislative Council for the State of Andhra Pradesh; and as from that date, in sub-clause (a) of clause (1) of article 168 of the Constitution, after the words “States of”, the words “Andhra Pradesh” shall be inserted. Creation of a
Legislative Council for Andhra Pradesh.

(2) In the said Council, there shall be 90 seats of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 31, 8 and 8 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Andhra Pradesh in accordance with the provisions of sub-clause (d) of the said clause shall be 31; and

(c) the number to be filled by persons nominated by the Governor of Andhra Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(3) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order, determine—

(a) the constituencies into which the State of Andhra Pradesh shall be divided for the purpose of elections to the said Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats to be allotted to each constituency.

(4) As soon as may be after such determination, steps shall be taken to constitute the said Council in accordance with the provisions of this Act and of the Representation of the People Act, 1951 and the Representation of the People Act, 1951.

Increase in the strength of the Bihar Legislative Council.

4. (1) The total number of seats in the Legislative Council of Bihar shall be increased from 72 to 96 and of those seats—

- (a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 34, 8 and 8 respectively;
- (b) the number to be filled by persons elected by members of the Legislative Assembly of Bihar in accordance with the provisions of sub-clause (d) of the said clause shall be 34; and
- (c) the number to be filled by persons nominated by the Governor of Bihar in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) The Delimitation of Council Constituencies (Bihar) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the First Schedule.

(3) As soon as may be after the commencement of this Act, elections shall be held to fill—

- (a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act; and
- (b) the additional seats to be filled by the persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

(4) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 6th May, 1958, and on the expiration of every second year thereafter, the Governor of Bihar shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members to be elected to fill the additional seats under sub-section (3).

Increase in the strength of the Bombay Legislative Council.

5. (1) The total number of seats in the Legislative Council of Bombay shall be increased to 108 and of those seats—

- (a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 36, 9 and 9, respectively;
- (b) the number to be filled by persons elected by the members of the Legislative Assembly of Bombay in accordance with the provisions of sub-clause (d) of the said clause shall be 42; and
- (c) the number to be filled by persons nominated by the Governor of Bombay in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Bombay) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Second Schedule and in the said Order as so modified, any reference to the State of Bombay shall be construed as a reference to that State as formed by section 8 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act—

(a) every sitting member of the said Council representing immediately before such commencement any council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table if immediately before such commencement, he is an elector for an assembly constituency in the State of Bombay:

TABLE

1	2
Bombay City (Graduates) ..	Greater Bombay (Graduates).
Ahmedabad City (Graduates) ..	Gujarat (Graduates).
Northern Division (Graduates) ..	
Poona City (Graduates) ..	Maharashtra (Graduates).
Southern Division (Graduates) ..	
Bombay City (Teachers) ..	Greater Bombay-cum-Maharashtra (Teachers).
Poona City (Teachers) ..	
Central Division (Teachers) ..	
Southern Division (Teachers) ..	
Ahmedabad City (Teachers) ..	Gujarat (Teachers).
Northern Division (Teachers) ..	
Bombay City (Local Authorities) ..	Greater Bombay-cum-Maharashtra West (Local Authorities).
Ahmedabad City (Local Authorities) ..	Gujarat North (Local Authorities).
Ahmedabad District (Local Authorities) ..	
Mehsana-cum-Banas Kantha (Local Authorities) ..	
Baroda-cum-Amreli (Local Authorities) ..	Gujarat South (Local Authorities).
Broach-cum-Panch Mahals (Local Authorities) ..	
Kaira (Local Authorities) ..	
Surat (Local Authorities) ..	
East Khandesh (Local Authorities) ..	Maharashtra North (Local Authorities).
Nasik (Local Authorities) ..	
Ahmednagar-cum-West Khandesh (Local Authorities) ..	
Poona City (Local Authorities) ..	
Poona (Local Authorities) ..	Maharashtra South (Local Authorities).
Sholapur (Local Authorities) ..	
North Satara (Local Authorities) ..	Maharashtra North (Local Authorities).
Kolaba-cum-Thana (Local Authorities) ..	
Ratnagiri-cum-Kanara (Local Authorities) ..	
Kolhapur-cum-South Satara (Local Authorities) ..	

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Bombay and every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Bombay if immediately before such commencement he is an elector for an assembly constituency in the State of Bombay.

(4) Every sitting elected member of the said Council who is not deemed to have been elected thereto by virtue of clause (a) or clause (b) of sub-section (3) shall, as from the commencement of this Act cease to be a member of the said Council.

(5) As soon as may after such commencement, elections shall be held to fill such of the seats allotted to the several Council constituencies by the Delimitation of Council Constituencies (Bombay) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had then become vacant.

(6) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Bombay was first constituted.

(7) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 24th April, 1958, and on the expiration of every second year thereafter, the Governor of Bombay shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, and of the members to be elected under sub-section (5) of this section.

(8) Section 34 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2), for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-sections (4) and (5) of this section and summoned to meet for the first time', the words 'Until otherwise provided by law' shall be substituted;

(b) sub-sections (3), (4) and (5) shall be omitted.

(9) In this section, the expression 'the former State of Bombay' means the State of Bombay as it existed immediately before the 1st day of November, 1956.

6. (1) The total number of seats in the Legislative Council for the State of Madhya Pradesh to be constituted under section 33 of the States Reorganisation Act, 1956, shall be increased from 72 as fixed by sub-section (2) of that section to 90. Increase in the strength of the Madhya Pradesh Legislative Council

(2) The said section shall be amended as follows :—

(a) in sub-section (2),—

- (i) for the figure “72”, the figures “90” shall be substituted;
- (ii) in clause (a) for the figures and word “24, 6 and 6” the figures and word “31, 8 and 8” shall be substituted;
- (iii) in clause (c), for the figures “24”, the figures “31” shall be substituted;

(b) in sub-section (3), for the words “this Act”, the words and figures “the Legislative Councils Act, 1957” shall be substituted; and

(c) in sub-section (4),—

- (i) for the words “the appointed day”, the words “such commencement” shall be substituted; and
- (ii) the proviso shall be omitted.

7. (1) The total number of seats in the Legislative Council of Madras shall be increased from 50 to 63 and of those seats— Increase in the strength of the Madras Legislative Council.

- (a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 21, 6 and 6 respectively;
- (b) the number to be filled by persons elected by the members of the Legislative Assembly of Madras in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and
- (c) the number to be filled by persons nominated by the Governor of Madras in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) The Delimitation of Council Constituencies (Madras) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Third Schedule.

(3) As soon as may be after the commencement of this Act,—

(a) elections shall be held to fill—

- (i) the additional seats allotted to the local authorities' constituencies and the teachers' constituency by the said Order as modified by this Act; and
- (ii) the additional seats to be filled by the persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant;

- (b) one person shall be nominated by the Governor of Madras to fill the additional seat under clause (c) of the said sub-section.

(4) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 20th April, 1958, and on the expiration of every second year thereafter, the Governor of Madras shall, after consultation with the Election Commission, make by order, such provisions as he thinks fit in regard to the terms of office of the members to be elected under clause (a) of sub-section (3) and of the member to be nominated under clause (b) of that sub-section.

Increase in the strength of the Mysore Legislative Council.

8. (1) The total number of seats in the Legislative Council of Mysore shall be increased to 63 and of those seats—

- (a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 21, 6 and 6 respectively;
- (b) the number to be filled by persons elected by the members of the Legislative Assembly of Mysore in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and
- (c) the number to be filled by persons nominated by the Governor of Mysore in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Mysore) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Fourth Schedule, and in the said Order as so modified, a reference to the State of Mysore shall be construed as a reference to that State as formed by section 7 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act,—

- (a) every sitting member of the said Council representing immediately before such commencement a council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table :—

TABLE

1	2
Mysore (Graduates) constituency	Mysore South (Graduates) constituency.
Mysore (Teachers) constituency	Mysore South (Teachers) constituency.
Kolar (Local Authorities) constituency	Mysore South East (Local Authorities) constituency.
Tumkur (Local Authorities) constituency.	
Bangalore (Local Authorities) constituency.	

1

2

Hassan (Local Authorities) constituency	}	Mysore South (Local Authorities) constituency.
Mandya (Local Authorities) constituency		
Mysore (Local Authorities) constituency	}	Mysore South West (Local Authorities) constituency.
Chickmagalur (Local Authorities) constituency.		
Shimoga (Local Authorities) constituency.		
Chitaldrug-cum-Bellary (Local Authorities) constituency.		

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore, every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and the sitting member of the said Council specified by the Chairman of the Legislative Council of Madras under sub-rule (7) of rule 4 of the States Reorganisation (Elections to Provisional State Legislatures) Rules, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Mysore; and

(c) every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore.

(4) The three members who, immediately before the 1st November, 1956, were members of the Legislative Council of Bombay and became on that date members of the Legislative Council of Mysore by virtue of sub-rule (7) of rule 4 of the States Reorganisation (Elections to Provisional State Legislatures) Rules, 1956, shall be deemed to have been elected to the Legislative Council of Mysore by the Mysore North West (Local Authorities) constituency.

(5) As soon as may be after the commencement of this Act, elections shall be held to fill such of the seats allotted, to the several council constituencies by the Delimitation of Council Constituencies (Mysore) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had then become vacant.

(6) As soon as may be after such commencement, the vacancies in the seats allotted under clause (c) of sub-section (1) shall be filled by nomination by the Governor.

(7) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Mysore was first constituted.

(8) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 26th April, 1958 and on the

expiration of every second year thereafter, the Governor of Mysore shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and of the members to be elected and nominated under sub-sections (5) and (6) of this section.

(9) Section 36 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows :—

(a) in sub-section (2) for the words, brackets and figures “Until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time”, the words “Until otherwise provided by law” shall be substituted; and

(b) sub-sections (3) and (4) shall be omitted.

(10) In this section, the expression “the former State of Mysore” means the State of Mysore as it existed immediately before the 1st day of November, 1956.

Increase in the strength of the Punjab Legislative Council.

9. (1) The total number of seats in the Legislative Council of Punjab shall be increased to 51 and of those seats—

(a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 17, 4, and 4 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Punjab in accordance with the provisions of sub-clause (d) of the said clause shall be 18; and

(c) the number to be filled by persons nominated by the Governor of Punjab in accordance with the provisions of sub-clause (e) of that clause shall be 8.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Punjab) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Fifth Schedule, and in the said Order as so modified, any reference to the State of Punjab shall be construed as a reference to that State as formed by section 11 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local authorities' constituency speci-

fied against that constituency in column 2 of the said Table:—

TABLE

1	2
Ambala-cum-Karnal (Local Authorities) constituency.	Punjab South (Local Authorities) constituency.
Gurgaon-cum-Rohtak-cum-Hissar-cum-Simla (Local Authorities) constituency.	Punjab South (Local Authorities) constituency.
Hoshiarpur-cum-Kangra-cum-Gurdaspur (Local Authorities) constituency.	Punjab North (Local Authorities) constituency.
Jullundur-cum-Ferozepore-cum-Amritsar-cum-Ludhiana (Local Authorities) constituency.	Punjab North (Local Authorities) constituency.

- (b) every sitting member of the said Council representing immediately before such commencement the graduates' constituency or the teachers' constituency shall be deemed to have been elected to the said Council by that constituency as altered by virtue of sub-section (2);
- (c) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Punjab and every sitting member of the said Council elected under clause (b) of sub-section (2) of section 37 of the States Reorganisation Act, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Punjab.
- (4) As soon as may be after such commencement, elections shall be held to fill—
- (a) the additional seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Punjab) Order, 1951, as modified by this Act;
- (b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1),
- as if those seats had become vacant.
- (5) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Punjab was first constituted.
- (6) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 26th April, 1958, and on the expiration of every second year thereafter the Governor of Punjab shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members elected under clause (b) of sub-section (2)

of section 37 of the States Reorganisation Act, 1956, and of the members to be elected under sub-section (4) of this section.

(7) Section 37 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows :—

- (a) in sub-section (2), for the words, brackets and figures “Until the said Council has been re-constituted in accordance with the provisions of sub-sections (3) and (4) of this section and of any other law for the time being in force and has been summoned to meet for the first time”, the words “Until otherwise provided by law” shall be substituted;
- (b) sub-sections (3) and (4) shall be omitted.

(8) In this section the expression “the former State of Punjab” means the State of Punjab as it existed immediately before the 1st day of November, 1956.

Increase in the strength of the Uttar Pradesh Legislative Council. seats— 10. (1) The total number of seats in the Legislative Council of Uttar Pradesh shall be increased from 72 to 108 and of those

- (a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 39, 9 and 9 respectively;
- (b) the number to be filled by persons elected by the members of the Legislative Assembly of Uttar Pradesh in accordance with the provisions of sub-clause (d) of the said clause shall be 39; and
- (c) the number to be filled by persons nominated by the Governor of Uttar Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) The Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Sixth Schedule.

(3) As from the commencement of this Act—

- (a) every sitting member of the said Council representing immediately before such commencement a graduates' constituency or a teachers' constituency the extent of which is altered by virtue of sub-section (2) shall be deemed to have been elected to the said Council by that constituency as so altered;
- (b) every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local authorities' constituency

specified against that constituency in column 2 of the said Table:—

TABLE

1	2
Uttar Pradesh North-West (Local Authorities) constituency.	Meerut (Local Authorities) constituency.
Uttar Pradesh North-East (Local Authorities) constituency.	Rohilkhand (Local Authorities) constituency.
Uttar Pradesh West (Local Authorities) constituency.	Agra (Local Authorities) constituency.
Uttar Pradesh Central (Local Authorities) constituency.	Lucknow (Local Authorities) constituency.
Uttar Pradesh South (Local Authorities) constituency.	Allahabad (Local Authorities) constituency.
Uttar Pradesh East (Local Authorities) constituency.	Varanasi (Local Authorities) constituency.

(4) As soon as may be after such commencement, elections shall be held to fill—

- (a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act; and
- (b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

(5) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 5th May, 1958, and on the expiration of every second year thereafter the Governor of Uttar Pradesh shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members to be elected under sub-section (4).

11. (1) The total number of seats in the Legislative Council of West Bengal shall be increased from 51 to 75 and of those seats— Increase in the strength of the West Bengal Legislative Council.

- (a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 27, 6 and 6 respectively;
- (b) the number to be filled by persons elected by the members of the Legislative Assembly of West Bengal in accordance with the provisions of sub-clause (d) of the said clause shall be 27; and
- (c) the number to be filled by persons nominated by the Governor of West Bengal in accordance with the provisions of sub-clause (e) of that clause shall be 9.

TABLE

1	2
West Bengal South (Graduates) constituency.	West Bengal (Graduates) constituency.
West Bengal West (Graduates) constituency.	West Bengal (Graduates) constituency.
West Bengal North (Graduates) constituency.	West Bengal (Graduates) constituency.
Burdwan Division (Teachers) constituency.	West Bengal (Teachers) constituency.
Presidency Division South (Teachers) constituency.	West Bengal (Teachers) constituency.
Presidency Division North (Teachers) constituency.	West Bengal (Teachers) constituency.
Darjeeling (Local Authorities) constituency.	West Bengal North (Local Authorities) constituency.
West Bengal North (Local Authorities) constituency.	West Bengal North (Local Authorities) constituency.
Nadia-Murshidabad (Local Authorities) constituency.	West Bengal East (Local Authorities) constituency.
Calcutta-24 Parganas (Local Authorities) constituency.	West Bengal South (Local Authorities) constituency.
Hoogly-Howrah (Local Authorities) constituency.	West Bengal Central (Local Authorities) constituency.
Burdwan Division North (Local Authorities) constituency.	West Bengal West (Local Authorities) constituency.

(4) As soon as may be after such commencement elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the Order as modified by this Act; and

(b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

(5) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 4th June, 1958, and on the expiration of every second year thereafter the Governor of West Bengal shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members elected under sub-section (4).

12. In the Representation of the People Act, 1950,—

Amendment of
Act 43 of 1950.

(a) in section 10, sub-section (3) shall be omitted;

(b) for the Third Schedule, the following Schedule shall be substituted, namely:—

THE THIRD SCHEDULE

(See section 10)

Allocation of seats in the Legislative Councils

Name of State	Total number of seats	Number to be elected or nominated under article 171(3)				
		Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
1	2	3	4	5	6	7
1. Andhra Pradesh	90	31	8	8	31	12
2. Bihar ..	96	34	8	8	34	12
3. Bombay ..	108	36	9	9	42	12
4. Madhya Pradesh	90	31	8	8	31	12
5. Madras ..	63	21	6	6	21	9
6. Mysore ..	63	21	6	6	21	9
7. Punjab ..	51	17	4	4	18	8
8. Uttar Pradesh	108	39	9	9	39	12
9. West Bengal	75	27	6	6	27	9"; j

(c) in the Fourth Schedule.—

(i) before the heading "BIHAR", the following heading and the entries thereunder shall be inserted, namely:—

"ANDHRA PRADESH

1. Municipalities.
 2. District Boards.
 3. Cantonment Boards.
 4. City and Town Committees.
 5. Class I Panchayats, that is to say, Panchayats notified by the State Government in the Official Gazette as Panchayats which exercise jurisdiction over an area containing a population of not less than five thousand and whose income for the financial year immediately preceding the date of the notification was not less than ten thousand rupees.
 6. Class II Panchayats which have been notified for the appointment of whole-time executive officers.";
- (ii) under the heading "BOMBAY", the following entries shall be added at the end, namely:—

- "4. District Boards.
5. District Panchayats.
6. Town Committees.
7. Janapada Sabhas (Rural Circle);"

(iii) under the heading "MADHYA PRADESH", for the entries, the following entries shall be substituted, namely:—

- "1. Municipalities.
2. Janapada Sabhas.
3. Mandal Panchayats.
4. Cantonment Boards.
5. Notified Area Committees.
6. Town Area Committees.";

(iv) Under the heading "MYSORE", the following entries shall be added at the end, namely:—

- "4. Notified Area Committees.
5. Village Panchayats with a population of not less than five thousand".

Amendment of act 43 of 1951.

13. In the Representation of the People Act, 1951,—

(a) after section 15, the following section shall be inserted, namely:—

"15A. For the purpose of constituting the Legislative Council of the State of Madhya Pradesh under the States Reorganisation Act, 1956, and constituting the Legislative Council of the State of Andhra Pradesh under the Legislative Councils Act, 1957,

Notification for certain elections to Legislative Councils.

the Government of each of the aforesaid States shall by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon the members of the Legislative Assembly of the State and all the council constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder.”

- (b) in section 74, after the words “elections held”, the words, figures and letter “in pursuance of the notifications issued under section 15A or” shall be inserted.

THE FIRST SCHEDULE

[See section 4(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES (BIHAR) ORDER, 1951

In the Table,—

- (a) in the third column relating to graduates’ constituencies, for the figures “2”, “2”, “1” and “1”, the figures “3”, “2”, “2” and “1” shall respectively be substituted;
- (b) in the third column relating to teachers’ constituencies, for the figures “1”, “1”, “2”, and “2”, the figures “2”, “1”, “3”, and “2” shall respectively be substituted;
- (c) in the third column relating to local authorities’ constituencies, for the figures “6”, “6”, “6” and “6”, the figures “8”, “8”, “9” and “9” shall respectively be substituted.

THE SECOND SCHEDULE

[See section 5(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES (BOMBAY) ORDER, 1951

For the Table appended to the said Order, the following Table shall be substituted, namely:—

“TABLE

Name of constituency	Extent of constituency	No. of seats
<i>Graduates Constituencies</i>		
Greater Bombay (Graduates).	Greater Bombay	2
Gujarat (Graduates)	Kutch, Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalamad, Amreli, Ahmedabad, Mehsana, Banaskantha, Sabarkantha, Kaira, Panch Mahals, Baroda, Broach and Surat districts.	2

Name of constituency	Extent of constituency	No. of seats
Maharashtra (Graduates)	Thana, Kolaba, Ratnagiri, Kolhapur, South Satara, North Satara, Sholapur, Poona, Ahmednagar, Nasik, Dangs, West Khandesh, East Khandesh, Aurangabad, Parbhani, Bhir, Osmanabad and Nanded districts. . .	2
Vidarbha (Graduates) . .	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts	3
<i>Teachers' Constituencies</i>		
Gujarat (Teachers) . .	Kutch, Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad, Amreli, Ahmedabad, Mehsana, Banaskantha, Sabarkantha, Kaira, Panch Mahals, Baroda, Broach and Surat districts. . .	2
Greater Bombay -cum- Maharashtra (Teachers).	Greater Bombay, Thana, Kolaba, Ratnagiri, Kolhapur, South Satara, North Satara, Sholapur, Poona, Ahmednagar, Nasik, Dangs, West Khandesh and East Khandesh districts.	4
Vidarbha (Teachers) . .	Buldana, Akola, Amravati, Yeotmal, Wardah, Nagpur, Bhandara, Chanda, Nanded, Osmanabad, Bhir, Parbhani and Aurangabad districts	3
<i>Local Authorities' Constituencies</i>		
Saurashtra (Local Authorities).	Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad and Anreli districts	5
Gujarat North (Local Authorities).	Ahmedabad, Mehsana, Banaskantha, Sabarkantha and Kutch districts . .	4
Gujarat South (Local Authorities).	Surat, Broach, Baroda, Kaira and Panch Mahals districts	5
Greater Bombay-cum-Maharashtra West (Local Authorities).	Greater Bombay, Thana, Kolaba, Ratnagiri and Kolhapur districts	4
Maharashtra South (Local Authorities).	Poona, North Satara, South Satara and Sholapur districts	5
Maharashtra North (Local Authorities).	Ahmednagar, Nasik, Dangs, West Khandesh and East Khandesh districts	5
Vidarbha (Local Authorities).	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts	5
Marathwada (Local Authorities)	Aurangabad, Bhir Parbhani, Nanded and Osmanabad districts	3".

THE THIRD SCHEDULE

[See section 7(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES
(MADRAS) ORDER, 1951

In the Table,—

- (a) in the third column relating to the teachers' constituency, for the figure "4", the figure "6" shall be substituted;
- (b) in the third column relating to the local authorities' constituencies, for the figures "4", "4", "4" and "4", the figures "5", "5", "6" and "5" shall respectively be substituted.

THE FOURTH SCHEDULE

[See section 8(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES
(MYSORE) ORDER, 1951

For the Table appended to the said Order, the following Table shall be substituted, namely:—

"TABLE

Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>		
Mysore North (Graduates)	Bidar, Gulbarga, Raichur, Dharwar, Bijapur, Belgaum, North Kanara and Bellary districts	2
Mysore South (Graduates)	Chitaldrug, Tumkur, Mandya, Mysore, Hassan, Chikmagalur, Shimoga, Bangalore, Kolar, South Kanara and Coorg districts	4
<i>Teachers' Constituencies</i>		
Mysore North (Teachers)	Bidar, Gulbarga, Raichur, Dharwar, Bijapur, Belgaum, North Kanara, Bellary districts	2
Mysore South (Teachers) ..	Chitaldrug, Tumkur, Mandya, Mysore, Hassan, Chikmagalur, Shimoga, Bangalore, Kolar, South Kanara and Coorg districts	4
<i>Local Authorities Constituencies</i>		
Mysore North West (Local Authorities)	Belgaum, North Kanara, Dharwar and Bijapur districts	6
Mysore North East (Local Authorities) ..	Bidar, Gulbarga, Raichur and Bellary districts	3
Mysore South West (Local Authorities).	Chitaldrug, South Kanara, Shimoga and Chikmagalur districts	4
Mysore South East (Local Authorities).	Hassan, Mandya, Coorg and Mysore districts	4
Mysore South East (Local Authorities).	Tumkur, Bangalore and Kolar districts	4"

THE FIFTH SCHEDULE

[See section 9(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES
(PUNJAB) ORDER, 1951

In the Table,—

- (a) in the third column relating to graduates' constituency, for the figure "3", the figure "4" shall be substituted;
- (b) in the third column relating to teachers' constituency, for the figure "3", the figure "4" shall be substituted;
- (c) for the entries under the heading "Local Authorities' Constituencies", the following entries shall be substituted, namely:—

Punjab North (Local Authorities).	Amritsar, Gurdaspur, Kangra, Hoshiarpur, Kapurthala, Jullundur, Ludhiana and Ferozepur Districts	8
Punjab Central (Local Authorities).	Patiala, Bhatinda, and Sangrur Districts ..	3
Punjab South (Local Authorities).	Simla, Ambala, Karnal, Rohtak, Gurgaon, Mahendergarh and Hissar Districts ..	6

THE SIXTH SCHEDULE

[See section 10(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES
(UTTAR PRADESH) ORDER, 1951

For the Table appended to the Order, the following Table shall be substituted, namely:—

TABLE

Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>		
Uttar Pradesh, West (Graduates).	Meerut, Agra, Jhansi and Allahabad Divisions	5
Uttar Pradesh, East (Graduates).	Kumaon, Rohilkhand, Lucknow, Faizabad, Gorakhpur and Varanasi Divisions	4
<i>Teachers' Constituencies</i>		
Uttar Pradesh, West (Teachers).	Meerut, Agra, Jhansi and Allahabad Divisions	4
Uttar Pradesh, East (Teachers).	Kumaon, Rohilkhand, Lucknow, Faizabad, Gorakhpur and Varanasi Divisions	5

Name of constituency	Extent of constituency	No. of seats
<i>Local Authorities' Constituencies</i>		
Meerut (Local Authorities).	Meerut Division	6
Agra (Local Authorities)	Agra Division	5
Allahabad (Local Authorities).	Allahabad and Jhansi Divisions ..	6
Varanasi (Local Authorities)	Varanasi and Gorakhpur Divisions ..	6
Lucknow (Local Authorities).	Lucknow and Faizabad Divisions	8
Rohilkhand (Local Authorities).	Rohilkhand and Kumaon Divisions	8"

THE SEVENTH SCHEDULE

[See section 11(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES
(WEST BENGAL) ORDER, 1951

For the Table appended to the said Order, the following Table shall be substituted, namely:—

"TABLE

Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>		
Calcutta (Graduates)	Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank	3
West Bengal (Graduates)	Burdwan division; and Presidency Division [excluding Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank].	3
<i>Teachers' Constituencies</i>		
Calcutta (Teachers)	24-Parganas district; and Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank ..	3

Name of constituency	Extent of constituency	No. of seats
West Bengal (Teachers).	Burdwan division; and Presidency division [excluding 24-Parganas district and Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank] ..	3
<i>Local Authorities' Constituencies</i>		
West Bengal North (Local Authorities).	Darjeeling, Jalpaiguri and Cooch-Bihar districts	3
West Bengal East (Local Authorities).	West Dinajpur, Malda, Murshidabad and Nadia districts	5
West Bengal West (Local Authorities).	Burdwan division (excluding Howrah and Hooghly districts)	7
West Bengal Central (Local Authorities).	Howrah and Hooghly districts ..	5
West Bengal South (Local Authorities).	24-Parganas district; and Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank." ..	7"

THE NAGA HILLS—TUENSANG AREA ACT, 1957

NO. 42 OF 1957

An Act to provide for the formation of the Naga Hills-Tuensang Area of Assam as an administrative unit.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Naga Hills-Tuensang Area Act, 1957. Short title and commencement.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

2. As from the commencement of this Act, there shall be formed a new administrative unit in the State of Assam by the name of Naga Hills-Tuensang Area comprising the tribal areas which at such commencement were known as the Naga Hills District and Tuensang Frontier Division of the North East Frontier Agency. Formation of Naga Hills-Tuensang Area.

3. In the Sixth Schedule to the Constitution, in paragraph 20,— Amendment of the Sixth Schedule to the Constitution.
(a) after sub-paragraph (2A), the following sub-paragraph shall be inserted, namely:—

“(2B) The Naga Hills—Tuensang Area shall comprise the areas which at the commencement of this Constitution were known as the Naga Hills District and the Naga Tribal Area.”;

(b) in sub-paragraph (3), after the words “administrative area”, the brackets and words “(other than the Naga Hills-Tuensang Area)” shall be inserted;

(c) in Part A of the Table, item 4 shall be omitted; and

(d) in Part B of the Table, for item 2, the following item shall be substituted, namely:—

“2. The Naga Hills-Tuensang Area.”.

4. In the Delimitation of Parliamentary and Assembly Constituencies Order, 1956,— Amendment of the Delimitation Order.

(a) in the First Schedule, in the entry in column 3 against serial No. 37, the words “Naga Hills,” shall be omitted; and

(b) in the Second Schedule, in the part relating to Assam, the heading “Naga Hills District” and all entries against serial Nos. 16, 17 and 18 shall be omitted.

5. In the Representation of the People Act, 1950,—

(a) in Part II of the First Schedule—

(i) for the entry—

Amendment of the Representation of the People Act, 1950.

"21. Part B Tribal areas . . . 1",
the following entries shall be substituted, namely:—

"21. North East Frontier Tract . . . 1
22. Naga Hills-Tuensang Area . . . 1";

(ii) for the figure "503", the figure "504" shall be substituted;

(b) in the Second Schedule, for the entry in column 3 against "2. Assam", the entry "105" shall be substituted.

Provision as to the sitting member of Parliament. 6. Notwithstanding the alteration in the extent of the Autonomous Districts Parliamentary constituency in Assam effected by section 4, the sitting member of the House of the People representing that constituency shall be deemed to have been elected to the House of the People by that constituency as so altered.

Territorial extent of laws not to be affected. 7. The provisions of section 2 shall not be deemed to have effected any change in the areas to which any law in force immediately before the commencement of this Act extends or applies, and territorial references in any such law to the Naga Hills District, the Naga Tribal Area or the Tuensang Frontier Division shall, until otherwise provided by a competent legislature or other competent authority, continue to have the same meaning.

Explanation.—In this section, law means any law, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in India or any part thereof.

EXTRACTS FROM THE CITIZENSHIP ACT, 1955

2. (1) In this Act, unless the context otherwise requires,— Interpretation.

- (a) "a Government in India" means the Central Government or a State Government;
- (b) "citizen", in relation to a country specified in the First Schedule, means a person who, under the citizenship or nationality law for the time being in force in that country, is a citizen or national of that country;
- (c) "citizenship or nationality law", in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country:

Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament ;

- (d) "Indian consulate", means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;
- (e) "minor" means a person who has not attained the age of eighteen years;
- (f) "person" does not include any company or association or body of individuals, whether incorporated or not;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "undivided India" means India as defined in the Government of India Act, 1935, as originally enacted.

(2) For the purposes of this Act, a person born abroad a registered ship or aircraft, or abroad an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he

died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(4) For the purposes of this Act, a person shall be deemed to be of full age, if he is not a minor, and of full capacity if he is not of unsound mind.

Citizenship
registration.

by 5. (1) Subject to the provisions of this section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf, register as a citizen of India any person who is not already such citizen by virtue of the Constitution or by virtue of any of the other provisions of this Act and belongs to any of the following categories:—

- (a) persons of Indian origin who are ordinarily resident in India and have been so resident for six months immediately before making an application for registration.
- (b) persons of Indian origin who are ordinarily resident in any country or place outside undivided India;
- (c) women who are, or have been, married to citizens of India;
- (d) minor children of persons who are citizens of India; and
- (e) persons of full age and capacity who are citizens of a country specified in the First Schedule:

Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration.

Explanation.—For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grand-parents, was born in undivided India.

(2) No person being of full age shall be registered as a citizen of India under sub-section (1) until he has taken the oath of allegiance in the form specified in the Second Schedule.

(3) No person who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government.

(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(5) A person registered under this section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (b) (ii) of article 6 or article 8 of the Constitution shall be deemed to be a citizen of India by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

**EXTRACTS FROM THE DELHI MUNICIPAL CORPORATION
ACT, 1957 (ACT NO. 66 OF 1957).**

* * * * *

506. In the Representation of the People Act, 1950,—

**Amendment of Act
43 of 1950.**

(a) in section 27A—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The electoral college for the Union territory of Delhi shall consist of—

(a) the councillors of the Delhi Municipal Corporation; and

(b) ten persons to represent the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board, to be chosen by direct election on the basis of adult suffrage in accordance with rules made by the Central Government in this behalf”;

(ii) in sub-section (4), the words “of that Act” shall be added at the end;

(b) in the Fifth Schedule, in the second column for the figures “48”, the figures “90” shall be substituted.

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